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TITLE 3—THE PRESIDENT

PROCLAMATION 2988

GENERAL PULASKI'S MEMORIAL DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Count Casimir Pulaski, Polish nobleman, was impelled by his enduring love of liberty to come to our shores and join in the fight for American independence; and

WHEREAS this valiant Pole, having attained the rank of Brigadier General in the Continental Army, gave his life for the American cause on October 11, 1779, thus becoming one of the immortals in our history; and

WHEREAS the American people, generation after generation, have remembered and cherished the gallant deeds of General Pulaski, who made a heroic contribution to the winning of the freedom we hold so dear:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby set aside Saturday, October 11, 1952, the one hundred and seventy-third anniversary of his death, as General Pulaski's Memorial Day, and I invite the people of this Nation to observe the day with ceremonies designed to render homage to this Polish patriot who fought under freedom's banner. I also direct that the flag of the United States be displayed on all Government buildings on October 11 in honor of his memory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of September in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10395; Filed, Sept. 22, 1952; 9:43 a. m.]

PROCLAMATION 2989

SUPPLEMENTARY TRADE AGREEMENT: VENEZUELA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 350 of the Tariff Act of 1930, as amended and extended (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410; ch. 585, 63 Stat. 697; Public Law 50, 82d Congress), on August 28, 1952 I entered into a supplementary trade agreement, through my duly empowered Plenipotentiary, with the Junta of Government of the United States of Venezuela, through its duly empowered Plenipotentiary, the said supplementary agreement to become effective on and after the thirtieth day following the exchange of my proclamation and the instrument of ratification of the Government of the United States of Venezuela, as provided for in Article 13 of the said supplementary agreement;

AND WHEREAS I proclaimed the said supplementary agreement on September 10, 1952 and my proclamation and the instrument of ratification of the Government of the United States of Venezuela were duly exchanged at the city of Washington on September 11, 1952;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, supplementing my said proclamation of September 10, 1952, do hereby make known and proclaim that the said supplementary agreement, signed on August 28, 1952, will come into force on October 11, 1952.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 19th day of September, in the year of our Lord one thousand nine [SEAL] hundred and fifty-two and of the Independence of the United States of America the one hundred seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10383; Filed, Sept. 19, 1952; 4:18 p. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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CODIFICATION GUIDE—Con.

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 3]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

Correction

In F. R. Doc. 52-9968, appearing at page 8206 of the issue for Friday, September 12, 1952, the following change should be made:

In the first line of the second column on page 8206, the words "of the insured, except that if such death or judicial declaration of incompetence" should be inserted between "incompetence" and "occurs".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 15]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PROFICIENCY REQUIREMENTS

Sections 41.53-1 through 41.53-6 are being issued to establish periodic flight checks and instructions to be given pilots conducting operations under Part 41. These checks and instructions are similar to those which have been prescribed for pilots conducting operations under Part 61 of this subchapter. The following policies are hereby adopted:

Sec.
41.53-1 Failure to complete instrument competency check (CAA policies which apply to § 41.53).
41.53-2 General standards (CAA policies which apply to § 41.53).
41.53-3 Purpose of observing performance (CAA policies which apply to § 41.53).
41.53-4 Aircraft used in flight check (CAA policies which apply to § 41.53).
41.53-5 Flight simulator (CAA policies which apply to § 41.53).
41.53-6 Proficiency checks (CAA policies which apply to § 41.53).

AUTHORITY: §§ 41.53-1 to 41.53-6 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554.

§ 41.53-1 *Failure to complete instrument competency check (CAA policies which apply to § 41.53).* A scheduled air carrier should not utilize as a pilot in command in scheduled air transportation any pilot who has failed to perform satisfactorily any of the proficiency checks set forth in § 41.53-6.

§ 41.53-2 *General standards (CAA policies which apply to § 41.53).* Section 41.53-6 prescribes the minimum checks which should be given by an air carrier in determining the proficiency of a pilot in command. The air carrier may undertake these checks in any order or arrangement that will achieve complete coverage of the proficiency check in a minimum amount of flight time. Where demonstrated performance is unsatisfactory, additional training may be given during the check or later, and the unsatisfactory item rechecked during the check or later for satisfactory performance. The extent of this additional training should depend on the applicant's satisfactory flight proficiency demonstrated in other phases of the check which, in the opinion of the check pilot, would warrant such additional training. In addition, the air carrier should, where a particular type or condition of operation prevails, add to the checks listed in § 41.53-6.

§ 41.53-3 *Purpose of observing performance (CAA policies which apply to § 41.53).* When an agent of the Administrator is observing the performance of a proficiency flight, his primary objectives will be: (a) An evaluation of the air carrier's pilot flight proficiency training program, and (b) a determination as to whether the air carrier's check pilot is requiring demonstrated performance by the pilot in command as set forth in § 41.53-6 and the air carrier's pilot flight proficiency training program. Any problem pertaining to the performance of the pilot in command during the proficiency flight should be discussed only between the air carrier's check pilot and the agent of the Administrator. In the event there is a difference of opinion between the air carrier's check pilot and the agent as to methods of performing the required maneuvers, such differences of opinion should be resolved between the agent and the air carrier and should not be discussed on the flight deck during the proficiency flight.

§ 41.53–4 *Aircraft used in flight check (CAA policies which apply to § 41.53).* (a) Where a pilot in command is scheduled to fly only one type of land aircraft or one type of seaplane, he should be given his proficiency checks in that type of aircraft he is scheduled to fly.

(b) Where a pilot in command is scheduled to fly more than one type of land aircraft and/or seaplane, his proficiency should be checked in all types of aircraft he is scheduled to fly. However, the following exceptions will be allowed:

(1) If a pilot is scheduled to fly two-engine, three-engine, and four-engine land aircraft or any combination therof, and/or more than one type of such aircraft, he should take his proficiency check in one of the larger and more complicated type of aircraft; or if only one of the smaller type aircraft is available, he may take his check immediately due in that aircraft, but his next check should be accomplished in one of the larger and more complicated type of aircraft.

(2) If a pilot is scheduled to fly two-engine, three-engine, and four-engine seaplanes or any combination thereof, and/or more than one make or model of such seaplanes, he should take his proficiency check in one of the larger and more complicated type of seaplane; or if only one of the smaller type of seaplane is available, he may take his check immediately due in that seaplane, but his next check should be made in one of the larger and more complicated type of seaplane.

(3) If a pilot is scheduled to fly both land aircraft and seaplanes, his check should include a demonstration of proficiency in both land aircraft and seaplane in accordance with subparagraphs (1) and (2) of this paragraph.

§ 41.53–5 *Flight simulator (CAA policies which apply to § 41.53).* An air carrier using a flight simulator in its pilot's training program may be approved to utilize such a device for certain maneuvers in conducting proficiency checks: *Provided*, That (a) the training device accurately simulates the flight characteristics and the performance of the applicable aircraft through all ranges of normal and emergency operation, (b) the maneuvers to be conducted in the simulator other than those specifically authorized in § 41.53–6 (l), (m), (n), (o), (p), and (q), are submitted to the Washington Office for approval by the region in which the headquarters of the air carrier is located, and (c) certain critical maneuvers which demonstrate the proficiency of a pilot are executed in an aircraft of the type flown by the pilot in air carrier service. The proficiency flight in the aircraft should include at least maneuvers (minimum speed), approach procedures, handling under regular approach conditions, and take-off and landings, with engine failures as outlined in § 41.53–6 (g), (q), (u) and (v), respectively.

§ 41.53–6 *Proficiency checks (CAA policies which apply to § 41.53).* The following checks are prescribed by the Administrator to determine the proficiency of the pilot in command:

(a) *Equipment examination (oral or written).* (1) The equipment examination should be pertinent to the type of aircraft to be flown by the pilot in command and may be given (i) in the air carrier's ground school, (ii) during a routine line check under the supervision of an authorized company check pilot, or (iii) during the proficiency check.

(2) The examination should at least contain questions relative to engine power settings, airplane placard speeds, critical engine failure speeds, control systems, fuel and lubrication systems, propeller and supercharger operations, hydraulic systems, electric systems, anti-icing, heating and ventilating, and pressurization system (if pressurized). A record should be maintained in the pilot's file which will indicate the date, condition under which equipment examination was given, and grade received.

(b) *Taxiing, sailing, or docking.* Attention should be directed to (1) the manner in which the pilot in command conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, (2) any taxi instruction which may be published in the air carrier's operations manual, and (3) general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

(c) *Run-up.* Attention to detail in the use of cockpit check list and cockpit procedure should be observed on all proficiency flights.

(d) *Take-off.* For those air carriers authorized take-off minimums of 200½, the pilot being examined should whenever practicable execute a take-off solely by reference to instruments, or at the option of the check pilot, a contact take-off may be made following which instrument conditions should be simulated at or before reaching 100 feet with the subsequent climb conducted solely by reference to instruments. The check pilot should observe the pilot's ability to maintain a constant heading during the take-off run, his proficiency in handling power, flap and gear operation during the critical period between take-off (off ground) and reaching five hundred feet. If it becomes necessary for the check pilot to give assistance after becoming airborne, the maneuver should be considered as unsatisfactory.

(e) *Climbs and climbing turns.* Climbs and climbing turns should be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the "Airplane Flight Manual." The use of proper climb speeds and designated rates of climb should be considered in determining the satisfactory performance of this phase of the proficiency flight.

(f) *Steep turns.* Except as provided hereinafter, steep turns should consist of at least forty-five degrees of bank. The turns should be at least 180° of duration, but need not be more than 360°. Smooth control application, and ability to maneuver aircraft within prescribed limits, should be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information should be reviewed and discussed. As a guide, the tolerances of 100 feet plus or minus a given altitude should be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observers' position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(g) *Maneuvers (minimum speeds).* Maneuvers at minimum speed should be accomplished while using the prescribed flap settings as set forth in the Airplane Flight Manual. In addition, attention should be directed to airplane performance as related to use of flaps vs. clean configuration while operating at minimum speeds. Attention should be directed towards the pilot's ability to recognize and hold minimum controllable airspeed, to maintain altitude and heading, and to avoid unintentional approaches to stalls.

(h) *Approach to stalls.* Approach to stalls should be demonstrated from straight flight and turns, with and without power. An approach to stall should be executed in landing or approach configuration. The extent to which the approach to stall will be carried and the method of recovery utilized should be dictated by (1) the type of aircraft being flown, (2) its reaction to stall conditions, and (3) the limitation established by the air carrier. Performance should be judged on ability to recognize the approaching stall, prompt action in initiating recovery, and prompt execution of proper recovery procedure for the particular make and model of aircraft involved.

(i) *Propeller feathering.* Propeller feathering should be performed. Such propeller feathering should be accomplished in accordance with instructions set forth by the air carrier and be exercised at sufficient altitude to insure adequate safety for the performance of the operation. The pilot's ability to maintain altitude, directional control, and satisfactory airspeed should be the desired prerequisites in accomplishing this maneuver. The manner in which the pilot manages his cockpit during propeller feathering should also be noted.

(j) *Maneuvers (one or more engines out).* When performing maneuvers (one or more engines out) the aircraft should be maneuvered with a loss of fifty percent of its power units, such loss to be concentrated on one side of the aircraft. The loss of these power units may be simulated either by retarding throttles or by following approved feathering procedures. The pilot in command should be required to maintain headings and altitude and to make moderate turns both toward and away from the dead engine or engines. Proficiency should be judged on the basis of the pilot's ability to maintain engine-out airspeed, heading and altitude; to trim the airplane; and to adjust necessary power settings.

(k) *Rapid descent and pull-out.* This maneuver should consist of the following steps: While the aircraft is under the normal approach configuration and being flown at a predetermined altitude, it will be assumed that the aircraft has arrived at a navigational fix and is cleared to descend immediately to a lower altitude. (The lower altitude should be one which permits a descent of at least 1000 feet.) Upon reaching the lower altitude, the aircraft should be recovered from the rapid descent and flown on a predetermined heading and altitude for a predetermined period of time. At the end of the time interval, an emergency pull-out should be executed which will involve a change of direction of at least 180°. Performance should be judged on the basis of ability to establish a rapid descent at constant airspeed, stopping the descent at the minimum altitude specified without going below it, holding heading and altitude, and smooth pull-up and climb.

(l) *Ability to tune radio.*[1]

(m) *Orientation.*[1]

(n) *Beam bracketing.*[1]

(o) *Cone identification.*[1]

(p) *Loop orientation.*[1]

(q) *Approach procedures.* An approach procedure should be made in the aircraft on the let-down aid for which the lowest minimums on a system-wide basis are authorized and include, where possible, holding patterns and air traffic control instructions which might be used by the pilot in day-to-day operations. If at the time of the proficiency flight the let-down aid affording the lowest minimums is not in operation at the point the check is given, the landing aid which affords the next lowest minimums on a system-wide basis should be used. Where a particular air carrier is authorized landing minimums based on instrument landing systems and ground control approach, the predominate landing aid on a system-wide basis should be utilized. In some cases a particular air carrier may be authorized its lowest landing minimums on a let-down aid which is not installed and operating at locations where the air carrier's pilots are based. In this case the air carrier should conduct the proficiency flights at locations where such an aid is installed and operating. All other approaches for which a particular operator may be authorized to use, such as ADF, LF/MR range, VOR, and VAR should be made and may be conducted in a simulator or other approved type trainer. A record should be maintained in the pilot's file which will indicate the date that these approaches were performed and the grade received. If these approaches (ADF, LF/MR range, VOR, and VAR) are not performed in a simulator or other approved type trainer, they should be accomplished on the proficiency flight.

(r) *Missed approach procedures.* (See par. (s) of this section.)

(s) *Traffic control procedures.* Missed approach procedures and traffic control procedures should be accomplished in a manner satisfactory to the authorized check pilot. The degree of satisfactory or unsatisfactory performance should be predicated on the pilot's ability to (1) maneuver the aircraft while performing these procedures, and (2) follow instructions either verbal or written which may be pertinent to the accomplishment of these procedures. Paragraphs (r) and (s) of this section may be accomplished while performing paragraph (q) of this section.

(t) *Cross-wind landing.* A cross-wind landing should be performed when practicable. Traffic conditions and wind velocities will dictate whether a cross-wind landing is practicable. Performance should be judged on the technique used in correcting for drift on final approach, judgment in the use of flaps, and directional control during roll-out.

(u) *Landing under regular approach conditions.* Landing under regular approach conditions will necessitate a path of flight around the landing area of not more than a 180° turn but not less than a 90° turn. The pilot should be judged on the basis of altitude and airspeed control and his ability to maneuver under the minimum ceiling and visibility conditions prescribed.

(v) *Take-offs and landings (with engine(s) failures).* If it is consistent with safety, traffic patterns, local rules and laws, a simulated engine failure should be experienced during take-off. The simulated failure should occur at any time after the aircraft has passed the V_1 speed pertinent to the particular take-off and when practicable before reaching 300 feet. When performing the landing, the aircraft should be maneuvered to a landing while utilizing 50 percent of the available power units. The simulated loss of power should be concentrated on one side of the aircraft. The pilot's ability to satisfactorily perform this maneuver should be evaluated in the manner stated under paragraph (i) of this section.

(w) *Judgment.* The pilot should demonstrate judgment commensurate with experience required of a pilot in command of air carrier aircraft.

(x) *Emergency procedures.* The emergency procedures should be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record should be maintained in the pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

These policies shall become effective October 20, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10304; Filed, Sept. 22, 1952; 8:45 a. m.]

[1] Paragraphs (l), (m), (n), (o), and (p) of this section should be accomplished in a satisfactory manner either (1) during a routine line check under the supervision of an authorized company check pilot, (2) in a simulated or synthetic trainer, or (3) during the proficiency flight. A record should be maintained in the pilot's file which will indicate the date, method utilized, and grade received in the performance of these items.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 81]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

Correction

In F. R. Doc. 52-10095, appearing at page 8323 of the issue for Wednesday, September 17, 1952, the following change should be made:

"Section 601.2273" in item 24 and the section designation "§ 601.2273" should read "Section 601.2272" and "§ 601.2272", respectively.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5953]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALLIED WEAVERS OF AMERICA ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.55 *Demand or business opportunities;* § 3.60 *Earnings;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts;* § 3.240 *Special or limited offers.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Earnings;* § 3.1995 *Job guarantee and employment;* § 3.2015 *Opportunities in product or service;* § 3.2063 *Scientific or other relevant facts;* § 3.2070 *Special offers, savings and discounts;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale or distribution of courses of instruction in weaving in commerce, (1) representing that weaving is either easy to learn or to do; and representing directly or by implication, (2) that persons, irrespective of manual dexterity, general aptitude or practical experience, will become expert weavers upon completion of respondents' course; (3) that the earning potential of persons completing respondents' course is greater than said earning potential is in fact; (4) that any specified amount is charged for performing the type of weaving services taught by respondents when said amount is in excess of the charges usually and customarily made for said type of weaving; (5) that there is a great demand for persons who have completed respondents' course of instruction or representing in any manner that the opportunities for employment on the part of persons trained through respondents' course of instruction are greater than they are in fact; (6) that any of respondents' offers are limited or restricted in point of time when such offers are in fact not so limited or restricted; (7) that respondents assist persons who have completed their course in obtaining weaving work; or, (8) that the number of persons to whom any franchise or other similar instrument of authority or recognition will be conferred by respond-

ents is a limited number when such franchise or other instrument is given to all persons buying and completing such course; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Allied Weavers of America et al., San Francisco, Calif., Docket 5953, June 19, 1952]

In the Matter of Allied Weavers of America, a Corporation, and Walter E. Powell, and George Wallace, Individually and as Officers of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the Commission's complaint (the "notice" portion of which provided that the failure of said respondent to appear at the time and place therein fixed would be deemed to authorize the Commission and said examiner, without further notice, to find the facts to be as alleged in the complaint and to issue an order to cease and desist in the form set forth in said notice), and upon the hearing therein fixed.

Motion at said hearing before said examiner, theretofore duly designated by the Commission, by the attorney in support of the complaint, that the respondents be found in default, and for an entry of an order to cease and desist in the form set forth, as above noted, was granted, and the hearing thereupon closed.

Thereafter the proceeding regularly came on for final consideration by said examiner upon said complaint and motion, and said examiner, having duly considered the record and having found that the proceeding was in the interest of the public, and acting pursuant to Rules V and VIII of the Commission's rules of practice, made his initial decision comprising certain findings as to the fact,[1] conclusion drawn therefrom,[1] and order to cease and desist:

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 19, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents Allied Weavers of America, a corporation, and its officers, and Walter E. Powell and George Wallace, individually and as officers of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of instruction in weaving in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that weaving is either easy to learn or to do;

2. Representing directly or by implication that persons, irrespective of manual dexterity, general aptitude or practical experience, will become expert weavers upon completion of respondents' course.

3. Representing directly or by implication that the earning potential of persons completing respondents' course is greater than said earning potential is in fact.

4. Representing directly or by implication that any specified amount is charged for performing the type of weaving services taught by respondents when said amount is in excess of the charges usually and customarily made for said type of weaving.

5. Representing directly or by implication that there is a great demand for persons who have completed respondents' course of instruction or representing in any manner that the opportunities for employment on the part of persons trained through respondents' course of instruction are greater than they are in fact.

6. Representing directly or by implication that any of respondents' offers are limited or restricted in point of time when such offers are in fact not so limited or restricted.

7. Representing directly or by implication that respondents assist persons who have completed their course in obtaining weaving work.

8. Representing directly or by implication that the number of persons to whom any franchise or other similar instrument of authority or recognition will be conferred by respondents is a limited number when such franchise or other instrument is given to all persons buying and completing such course.

By "Decision of the Commission and order to file report of compliance", Docket 5953, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance with said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10314; Filed, Sept. 22, 1952; 8:46 a. m.]

[1] Filed as part of the original document.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

In § 221.31 *Defense Production Act of 1950 controls*, paragraph (a) is hereby amended to read as follows:

(a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after September 16, 1952, and covering property upon which there is located a dwelling designed principally for a single-family residence shall not involve a principal amount in excess of $14,000.

(Sec. 211, as added by sec. 3, 52 Stat. 22; 12 U. S. C. 1715b)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10306; Filed, Sept. 23, 1952; 8:45 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE; REVOCATION

Part 232 is hereby amended by striking out § 232.16a.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10307; Filed, Sept. 22, 1952; 8:46 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

TEMPORARY LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

In § 241.15a temporary limitation upon maximum amount of mortgage, paragraph (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of §241.4, the maximum ratio of loan to replacement cost limitation with respect to applications (including applications executed only by the mortgagor to obtain a certificate of eligibility) received by the Commissioner on or after January 12, 1951, shall be 90 percent, except that such limitation may be increased by reason of veteran membership as provided in §241.4, in which event such maximum ratio of loan to

replacement cost limitation shall not exceed 95 percent and a mortgage insured pursuant to any such application shall not involve a principal amount for such part of the property or project as may be attributable to dwelling use in excess of the following:

(1) If the number of rooms in the project is less than 4 per family unit, not to exceed $7,200 per family unit, plus the increase, if any, by reason of veteran membership as provided in §241.4, but in any event not to exceed $7,650 per family unit; or

(2) If the number of rooms in the project equals or exceeds 4 per family unit, not to exceed $8,100 per family unit, plus the increase, if any, by reason of veteran membership as provided in §241.4, but in any event not to exceed $8,550 per family unit: *Provided*, That this paragraph shall not be applicable as to mortgages executed by a mortgagor of the character described in §241.16(a)(2).

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-10308; Filed, Sept. 22, 1952; 8:46 a. m.]

Subchapter I—War Rental Housing Insurance

PART 280—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY RENTAL HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE; REVOCATION

Part 280 is hereby amended by striking out § 280.22c.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-10309; Filed, Sept. 22, 1952; 8:46 a. m.]

PART 283—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 608 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE; REVOCATION

Part 283 is hereby amended by striking out § 283.22b.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE,
Federal Housing Commissioner.

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Subchapter J—House Manufacturing Loans, War Housing Insurance

PART 285—ELIGIBILITY REQUIREMENTS OF LOAN FOR MANUFACTURE OF HOUSES

MANUFACTURER'S LOAN; PURCHASER'S LOAN

1. Section 285.5 *Manufacturer's loan; eligibility requirements* is hereby amended by striking out paragraph (l) thereof.

2. Section 285.6 *Requirements of eligibility and conditions of insurance of purchaser's loan* is hereby amended by striking out paragraph (h) thereof.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-10311; Filed, Sept. 22, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

Sections 805.31 to 805.40 and 805.51 to 805.61 (16 F. R. 12695; 32 CFR 805.31 to 805.61) are rescinded and the following new sections are added as follows:

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR FACILITIES

Sec.
805.31 Policy.
805.32 Facility clearances.
805.33 Scope of facility clearance.
805.34 Facility denial.
805.35 Plant survey.
805.36 Central records.
805.37 Subcontractors.
805.38 Applicability to "restricted data."
805.39 Applicability to cryptographic material.
805.40 Prescribed forms.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

805.51 Policy.
805.52 Responsibility.
805.53 Dissemination of classified information.
805.54 Investigations.
805.55 Clearances.
805.56 Waiver of certain clearance requirements.
805.57 Revocation of clearance.
805.58 Appeals from denials.
805.59 Central records.
805.60 Subcontractor employees.
805.61 Prescribed forms.

AUTHORITY: §§ 805.31 to 805.61 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 10, 44 Stat. 787; 10 U. S. C. 310.

DERIVATION: AFR's 205-17, 205-18.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR FACILITIES

§ 805.31 *Policy.* To assure the protection of classified security information, procurement activities and other interested activities of the Air Force that are authorized to release classified security information will insure that a prospective bidder or contractor has been granted a facility security clearance by one of the military departments prior to disclosing classified security information to such prospective bidder or contractor in connection with precontract negotiations or the performance of a contract.

§ 805.32 *Facility clearances.* (a) Facility security clearances are required for prospective bidders or contractors whenever access to security information classified higher than Restricted is involved, and whenever any officer, director, or owner of a facility is an alien and access to Restricted security information is involved. In addition, alien employees of a facility will not be permitted access to Restricted security information until they have been investigated and cleared in accordance with the provisions of §§ 805.31 to 805.40. The provisions of this section do not affect the requirement for a security agreement whenever any classified security information is involved, nor the requirement for an appropriate plant security survey in accordance with § 805.35.

(b) Facility security clearances, when required by paragraph (a) of this section, will be granted by major air commands concerned to prospective bidders or contractors: *Provided, That:*

(1) The officers, directors, owners and key employees who will require access to such classified security information in connection with precontract negotiations or preparation of bids are either United States citizens or aliens who have been lawfully admitted to the United States for permanent residence under immigration visas.

(2) Except as indicated in subparagraph (5) of this paragraph a check of the central records of the Federal Bureau of Investigation and the records of such other agencies as may be pertinent reveals no adverse information concerning:

(i) The facility.
(ii) Officers of the facility.
(iii) Directors of the facility.
(iv) Owners and key employees who will have access to classified security information.

(3) A check of the fingerprint files and subversive indexes of the Federal Bureau of Investigation revals no adverse information concerning persons referred to in subparagraph (2) (ii) (iii) and (iv) of this paragraph.

(4) Sufficient investigation has been conducted to support a decision to grant or deny a security clearance, if the records reveal adverse information concerning persons referred to in subparagraph (2) of this paragraph.

(5) A background investigation has been completed if one of the persons referred to in subparagraph (2) of this paragraph is an alien and security information classified Secret or higher is involved.

(6) Persons referred to in subparagraph (1) of this paragraph have been issued letters of consent as necessary for access to classified security information.

(c) Subject to the conditions prescribed in paragraphs (a) and (b) of this section regarding aliens, security agreements, and surveys, major air commands concerned may grant interim facility security clearances for access to Confidential security information, sub-

ject to revocation if derogatory information is subsequently developed, pending completion of the required investigation and clearance.

(d) In those cases where a facility security clearance is not initially required under the provisions of §§ 805.31 to 805.40, and access to security information classified higher than Restricted is involved subsequent to the award of a contract, action will be taken to grant a clearance as prescribed in §§ 805.31 to 805.40, prior to disclosure of such information.

§ 805.33 *Scope of facility clearance.* A clearance accorded a facility for the purpose of precontract negotiations or preparation of bids, made in accordance with § 805.32, will also constitute a clearance of the facility for purposes of the award of a contract: *Provided, however,* That:

(a) Nothing contained in §§ 805.31 to 805.40 may be construed as authorizing the disclosure of classified security information by any means or in any form to a contractor, prospective contractor or prospective bidder, or any representative thereof. Policy prescribed in §§ 805.1 to 805.22, as supplemented by procedures prescribed in current directives, applies with respect to the approval or disapproval of all requests for classified security information and all proposals to release classified security information to private individuals, firms, corporations, or other non-governmental organizations.

(b) A facility security clearance will not be considered to dispense with the requirements of § 805.35 for adequate facilities for the protection of classified security information at the place or places where the contract will be performed.

(c) Clearance of contractor personnel will be required in the manner and to the extent provided by §§ 805.51 to 805.61.

§ 805.34 *Facility denial.* (a) Facility security clearances will not be granted when an officer or director of the firm or corporation or any owner who will have access to classified security information is found to be unsuited for access to classified security information under the following criteria: On all the evidence and information available, reasonable grounds exist for belief that the person:

(1) Has committed acts of treason or sedition, has engaged in acts of espionage or sabotage, has actively advocated or aided the commission of such acts by others, or has knowingly associated with persons committing such acts.

(2) Is employed by, or subject to the influence of, a foreign government under circumstances which may jeopardize the security interests of the United States.

(3) Has actively advocated or supported the overthrow of the Government of the United States by the use of force or violence.

(4) Has intentionally disclosed military information classified Confidential or higher without authority and with reasonable knowledge or belief that it may be transmitted to a foreign government, or has intentionally disclosed such information to persons not authorized to receive it.

(5) Is mentally or emotionally unstable, is a habitual offender of the law, or does not possess the integrity, discretion, and responsibility essential to the security of classified military information.

(6) Is, or recently has been, a member of, or affiliated or sympathetically associated with, any foreign or domestic organization, association, movement, group, or combination of persons which

(i) Is, or has been designated by the Attorney General as, totalitarian, fascist, communist, or subversive;

(ii) Has adopted, or has been designated by the Attorney General as having adopted, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States; or

(iii) Seeks, or has been designated by the Attorney General as seeking, to alter the form of the Government of the United States by unconstitutional means.

(b) When a denial appears justified, a copy of the report of investigation and any other evidence upon which the decision is predicated, together with appropriate recommendations, will be sent to the Army-Navy-Air Force Personnel Security Board for decision. A facility security clearance denied or revoked on security grounds other than those pertaining to the physical elements of security is appealable to the Industrial Employment Review Board. Security clearances for precontract negotiations need not be denied when a key employee is found to be unsuited for access to classified security information: *Provided,* That the employee concerned will not be given access thereto.

(c) In each instance, a copy of the recommendations forwarded to the Army-Navy-Air Force Personnel Security Board for denial of clearance will be forwarded to the Deputy Inspector General for Security, Headquarters United States Air Force, Washington 25, D. C.

(d) If the facility is foreign-owned or controlled to the extent that it may constitute a security risk, clearance will be denied in accordance with specific instructions on this subject.

(e) When any officer, director, owner, or key employee is found to be an alien in the United States under other than an immigration visa, military information will not be released or disclosed to the alien without the specific approval of the Director of Intelligence, Headquarters United States Air Force.

§ 805.35 *Plant survey.* (a) In addition to requirements concerning facility security clearances, the award of a contract involving classified security information will be subject to an appropriate security survey of the plant, shop, laboratory, or place at which work under the contract will be performed to determine whether adequate facilities are available for protecting classified security information that will be released to or developed by the contractor, so far as can be anticipated at the time of the survey. Commanders concerned will conduct such formal or informal surveys as they deem proper, according to the security classification, nature, or volume of classified security information that will require physical protection. Whenever practicable, however, and time permits, a complete security survey will be conducted and DD Form 374, Plant Security Survey Report, will be used.

(b) When a security survey reveals inadequate facilities for the protection of the classified security information, the award of a contract involving classified security information will be withheld pending satisfactory completion of negotiations for the correction of the deficiencies. Responsibility for assuring compliance by the prospective contractor when agreements for the installation of security measures have been reached in such cases will rest with the commander concerned.

§ 805.36 *Central records.* Facilities cleared or denied clearance for precontract negotiations or for the award of contracts involving classified security information will be recorded, as will personnel cleared or denied clearance for access to classified security information. Record thereof, together with copies of security surveys and security agreements, will be forwarded promptly to the Central Index Files, Army-Navy-Air Force Personnel Security Board, c/o Provost Marshal General, Washington 25, D. C., where they will be maintained in such a way that information concerning the status of such facilities and persons is immediately available to all procurement activities of the Department of Defense.

§ 805.37 *Subcontractors.* The policies contained in §§ 805.31 to 805.40 pertaining to contractors are equally applicable to subcontractors.

§ 805.38 *Applicability to "restricted data."* The policies contained in §§ 805.31 to 805.40 will apply to "restricted data" as defined in the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801–1819), bearing military classifications, subject to the following additional specific requirements and limitations:

(a) A complete National Agency Check is required beforehand concerning all officers, directors, owners, and all key employees who will have access to classified security information if the security information involved is classified Top Secret, Secret, or Confidential.

(b) In addition, if one of the persons referred to in paragraph (a) of this section is an alien, a background investigation of such alien is required before he may have access to the classified security information described.

(c) With respect to security information classified Restricted, a National Agency Check will be made of the persons referred to in paragraph (a) of this section if one of them is an alien, except that only such alien key employees who must have access to the classified security information need be checked.

(d) The granting of Atomic Energy Commission "Q" clearances for access to "restricted data" in the possession of contractors or contractors' employees of

the Atomic Energy Commission is governed by current directives.

§ 805.39 *Applicability to cryptographic material.* The policies contained in §§ 805.31 to 805.40, except § 805.38, will apply with respect to contracts involving research, development, or production of classified cryptographic equipment or other classified cryptographic material, subject to all of the following additional requirements and limitations.

NOTE: In view of the extremely sensitive information involved, the disclosure of the actual details of cryptographic information to bidders or prospective bidders is not anticipated.

(a) Whenever time permits, a background investigation will be conducted in advance on all officers, directors, owners, and key employees who will have access to the classified security information.

(b) If time does not permit the completion of background investigations, at least a complete National Agency Check is required beforehand concerning all persons referred to in paragraph (a) of this section.

(c) All officers, directors, and owners, and all key employees who must be granted access to the classified security information, must be eligible for access to cryptographic matter under criteria prescribed in current directives.

(d) If all persons referred to in paragraph (c) of this section are eligible for access to cryptographic matter, and the results of the investigations of all such persons and the facility are satisfactory, cryptographic clearances may be granted such personnel by the commander concerned, letters of consent for contractor personnel to have access to classified cryptographic information may be issued (see §§ 805.51 to 805.61), and the necessary disclosure of information may be made.

(e) A decision of the commanding general of the major air command concerned not to award a contract involving access to classified cryptographic information due to security limitations prescribed by this section is not appealable under the provisions of §§ 805.31 to 805.40.

§ 805.40. *Prescribed forms.* The following Department of Defense forms are prescribed for use as indicated below:

(a) *Central Security Index File Check, DD Form 555.* A request for information from the Central Index Files concerning the security clearance status of contractors, prospective contractors, and individuals may be submitted on DD Form 555, Central Security Index File Check.

(b) *Requests for investigations.* The following forms are prescribed for requesting investigations, including the number of copies of each form to accompany each request:

(1) Five copies of DD Form 48, Personnel Security Questionnaire, will be completed by all United States citizens who are subject to investigation.

(2) Five copies of DD Form 49, Alien Questionnaire, will be completed by all aliens who are subject to investigation.

(3) One Applicant Fingerprint Card (Number 16–63416–1) will be completed for all persons subject to investigation. National Defense Program fingerprint cards may be used until present supplies are exhausted.

(c) *Plant Security Survey Report, DD Form 374.* One copy of DD Form 374, Plant Security Survey Report, referred to in § 805.35 will be forwarded to the Central Index Files.

(d) *Notification of Facility Security Clearance, DD Form 562.* One copy of DD Form 562, Letter of Notification of Facility Security Clearance, will be furnished each facility upon granting facility clearance.

(e) *Letters of Consent for Employees, DD Form 560 and DD Form 561.* One copy of DD Form 560, Letter of Consent for United States Citizens, or DD Form 561, Letter of Consent for Aliens, as appropriate, will be furnished a facility as notification that a letter of consent for an employee has been granted.

(f) *Central Security Index File-Facility, DD Form 265.* A record of facility clearance action will be sent to the Central Index Files on DD Form 265, Central Security Index File-Facility. The fact that a fingerprint check has been conducted also will be reflected on the form.

(g) *Central Security Index File-Personnel, DD Form 264.* A record of personnel clearance action will be sent to the Central Index Files on DD Form 264, Central Security Index File-Personnel. The fact that a fingerprint check has been conducted also will be reflected on the form.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

§ 805.51 *Policy.* To minimize the security risk incident to the handling of classified security information by Air Force contractor employees, it is essential that the loyalty, integrity, and trustworthiness of the personnel specified in §§ 805.51 to 805.61 be established by investigation.

§ 805.52 *Responsibility.* (a) The Department of the Air Force is responsible for investigating and clearing Air Force contractor personnel in accordance with the provisions of §§ 805.51 to 805.61. A clearance granted as prescribed herein constitutes an administrative determination that the employment of such a person in the manner proposed will not be inimical to the interests of the United States, and it will be evidenced by the issuance of an appropriate letter of consent as prescribed in § 805.61. However, a letter of consent issued on DD Forms 560 or 561 by activities of the Departments of the Army or Navy will be accepted by the Air Force commander concerned as authority for the same contractor to employ the same person on Air Force contracts without additional clearance action, unless additional investigative action is necessary to meet the requirements of §§ 805.51 to 805.61. Further, a letter of consent issued by activities of the Department of the Army or Navy should be accepted as a basis for the issuance of a letter to another contractor for employment of the same person on Air Force contracts: *Provided*, That the commander concerned determines that it is not necessary to request that the previous investigation be brought up to date: *And provided*, That no additional investigative action is necessary to meet the requirements of §§ 805.51 to 805.61.

(b) Commanders concerned are responsible for taking appropriate action to prevent the disclosure of classified security information to persons referred to in §§ 805.51 to 805.61 until the prescribed clearances have been granted.

§ 805.53. *Dissemination of classified information.* Nothing contained in §§ 805.51 to 805.61 may be construed as authorizing the dissemination or disclosure of any classified security information in any form to employees or other representatives of contractors, prospective contractors, or prospective bidders. Policy prescribed in §§ 805.1 to 805.22 as supplemented by procedures prescribed in current directives applies with respect to all requests for classified security information and all proposals to release classified security information to contractors, prospective contractors, prospective bidders, and their employees or other representatives.

§ 805.54 *Investigations.* Air Force contractor employees in the following categories will be investigated as indicated:

(a) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to any security information classified Top Secret or to cryptographic information classified Secret, Confidential, or Restricted, a background investigation will be conducted.

(b) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to "restricted data," as defined in the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801–1819), that is classified Secret or Confidential, or to other security information classified Secret, except cryptographic information, a National Agency Check will be conducted.

(c) For aliens whose duties or employment in connection with the performance of a contract will involve access to any classified security information, a background investigation will be conducted. (As used in §§ 805.51 to 805.61 the term "alien" applies only to those aliens who are in the United States under an immigration visa for permanent residence.)

(d) For contractor employees whose duties or employment in connection with the performance of a contract will involve access to Confidential or Restricted security information, investigation and clearance are not required, except as prescribed in paragraphs (a), (b), (c), and (e) of this section.

(e) The provisions of §§ 805.51 to 805.61 are not intended to preclude investigation of contractor personnel not otherwise provided for herein when there is any evidence that the continued employment of these persons constitutes a security risk.

§ 805.55 *Clearances*—(a) *General.* Except for clearances provided in para-

graphs (d) and (e) of this section, upon completion of the required investigations as prescribed in § 805.54, major air commanders concerned may grant personnel security clearances by issuance of a letter of consent to the contractor involved. In the case of United States citizens referred to in paragraph (a) of § 805.54, a letter of consent may be issued based on favorable results of a National Agency Check pending completion of the required background investigation. In the case of aliens referred to in paragraph (c) of § 805.54, a letter of consent may be issued for access to "restricted data" classified Restricted or other security information classified up to and including Confidential, based on favorable results of a National Agency Check, pending completion of the required background investigation. In all instances, letters of consent are subject to revocation if derogatory information within the meaning of the criteria established for the Industrial Employment Review Board (see § 805.34 (a)) is subsequently developed.

(b) *Military clearances for "Restricted Data."* Letters of consent issued pursuant to paragraph (a) of this section, to authorize the employment of persons on duties requiring access to security information classified Top Secret, Secret, Confidential, or Restricted, will also constitute authority for the employment of the same persons on duties requiring access to atomic energy "restricted data" of like military security classification, except as indicated in paragraph (d) of this section. Letters of consent issued in accordance with the provisions of §§ 805.51 to 805.61 will not include any reference to atomic energy "restricted data."

(c) *Denial of clearances.* Except as authorized in paragraph (e) of this section, Air Force activities will not initially deny personnel security clearances to contractor employees. Whenever a denial appears justified, a copy of the report of investigation and any other evidence upon which the decision is predicated will be forwarded, with appropriate recommendations, to the Army-Navy-Air Force Personnel Security Board for decision. In each instance, a copy of the recommendations forwarded to the Army-Navy-Air Force Personnel Security Board for denial of clearance will be forwarded to the Deputy Inspector General for Security, Headquarters United States Air Force, Washington 25, D. C.

(d) *"Q" clearances for "restricted data."* The granting of Atomic Energy Commission "Q" clearances for access to "restricted data" in the possession of contractors or contractors' employees of the Atomic Energy Commission is governed by current directives. Denials or revocation of "Q" clearances are not appealable under the provisions of §§ 805.51 to 805.61.

(e) *Cryptographic clearances.* (1) A cryptographic clearance is required before a letter of consent may be issued for any person to have access to classified cryptographic information in connection with a contract involving research, development, or production of classified cryptographic equipment or other classified cryptographic material.

(2) Whenever time permits, a background investigation will be conducted in advance on all individuals who will have access to the classified security information referred to in subparagraph (1) of this paragraph.

(3) If time does not permit the completion of background investigations, at least a complete National Agency Check will be conducted in advance before such persons may be granted access to the classified security information involved.

(4) Only such persons as are eligible for access to cryptographic matter under criteria prescribed in current directives may be granted crytographic clearances.

(5) If a person referred to in subparagraph (1) of this paragraph, is eligible for access to the classified cryptographic information specified, and the results of the investigation of such person are satisfactory, a cryptographic clearance may be granted and a letter of consent issued. Only an interim clearance may be granted if the investigation completed is only a National Agency Check.

(6) Letters of consent which are based on a cryptographic clearance will include a notation to that effect.

(7) Denials or revocations of cryptographic clearances are not appealable under §§ 805.51 to 805.61.

(f) *Employees of colleges and universities.* In addition to other clearances prescribed in this section, commanders concerned are responsible for granting clearances and issuing letters of consent for the employment by colleges and universities of persons on duties requiring access to information classified Confidential or Restricted, pursuant to the provisions of current directives.

(g) *Unclassified information.* Appropriate letters of consent may be issued by major air commanders concerned, to contractors involved, for alien employees requiring access to unclassified matter described in section 10 (j), act of July 2, 1926 (44 Stat. 787; 10 U. S. C. 310 (j)). Consent will not be granted unless, after full consideration of the evidence presented, it is determined that the employment of such person in the manner proposed will not be inimical to the interests of the United States. When a denial is indicated, the provisions of paragraph (c) of this section will govern. Normally, a review of DD Form 49 should be sufficient.

§ 805.56 *Waiver of certain clearance requirements.* (a) Except for atomic energy "restricted data" and cryptographic information, commanders of major air commands concerned are authorized to modify clearance requirements for Air Force contractor employees, except aliens, who require access to Secret matter, pending completion of National Agency Checks, when considered necessary for the performance of contracts. Such action will not be taken, however, unless after full consideration of the evidence presented (DD Form 48, with personnel reports of contractors or other similar data, such as that obtainable from local sources), it is determined that such access will not be inimical to the security interests of the United States. In arriving at decisions to modify clearance requirements, the criteria referred to in § 805.55 (a) should be applied. Further, letters of consent should be issued when favorable action is taken pursuant to the provisions of this paragraph, subject to revocation if derogatory information is subsequently developed.

(b) In connection with the authority to modify clearance requirements as indicated in paragraph (a) of this section it is not intended that contractors should be compelled to furnish personnel reports. However, when personnel reports or other similar data are not available, action to modify clearance requirements will not be taken.

§ 805.57 *Revocation of clearance.* Except as authorized in § 805.55 (e), when a letter of consent has been issued, it will not be revoked, except in an emergency, until authorization therefor has been obtained from the Army-Navy-Air Force Personnel Security Board. An emergency is defined as any situation in which failure to act until the above authorization has been obtained presents a serious threat to the security interests of the United States. In arriving at decisions to revoke letters of consent, the criteria referred to in § 805.55 (a) should be applied. In each instance, a copy of the recommendations forwarded to the Army-Navy-Air Force Personnel Security Board for revocation of a letter of consent (clearance) will be forwarded to the Deputy Inspector General for Security, Headquarters United States Air Force.

§ 805.58 *Appeals from denials.* Any contractor employee who has been denied a personal security clearance or whose clearance has been revoked will be advised of his right of appeal in accordance with established policy on this subject. (This does not apply to cryptographic clearances or to Atomic Energy Commission "Q" clearances.)

§ 805.59 *Central records.* (a) Immediately upon the granting of a clearance of contractor employees, DD Form 264, Central Security Index File-Personnel, will be completed and promptly sent to the Central Index Files, Army-Navy-Air Force Personnel Security Board, c/o Provost Marshal General, Washington 25, D. C. The fact that a fingerprint check has been conducted will be reflected on the form.

(b) When a clearance is denied, or a letter of consent revoked, a statement to that effect will be sent to the Central Index Files in addition to the other information required in paragraph (a) of this section. Periodically, a list of such denials will be made available to major air commands concerned.

§ 805.60 *Subcontractor employees.* The policies contained in §§ 805.51 to 805.61 pertaining to contractor employees are equally applicable to employees of subcontractors.

§ 805.61 *Prescribed forms.* The following Department of Defense forms are prescribed for the uses indicated:

(a) *Central Security Index File Check, DD Form 555.* A request for information from the Central Index Files concerning the security clearance status of contractors, prospective contractors, and individuals may be submitted on DD Form 555, Central Security Index File Check.

(b) *Investigative forms.* The following forms are prescribed for requesting investigations, including the number of copies of each form which will accompany each request:

(1) Five copies of DD Form 48, Personnel Security Questionnaire, will be completed by all United States citizens who are subject to investigation by reason of employment on Department of the Air Force contracts.

(2) Five copies of DD Form 49, Alien Questionnaire, will be completed by all aliens who are subject to investigation by reason of employment on Department of the Air Force contracts, and, in the case of contracts for furnishing or constructing aircraft, aircraft parts, and aeronautical accessories, by all aliens who require access to the plans or specifications, or to the work under construction, or who participate in the contract trials, whether or not access to classified security information is involved.

(3) One Applicant Fingerprint Card (Number 16-63416-1) will be completed for all persons subject to investigation by reason of employment requiring access to classified security information. The National Defense Program Fingerprint Cards may also be used until present supplies are exhausted.

(c) *Letters of Consent for Employees, DD Form 560 and DD Form 561.* One copy of DD Form 560, Letter of Consent for United States Citizens, or DD Form 561, Letter of Consent for Aliens, as appropriate, will be furnished a facility as notification that a letter of consent for an employee has been granted.

(d) *Central Security Index File-Personnel, DD Form 264.* A record of personnel clearance action will be sent to the Central Index Files on DD Form 264, Central Security Index File-Personnel, as prescribed in § 805.59.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-10303; Filed, Sept. 22, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 51, Amdt. 6]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

NEW PRICES FOR THE SALE OF CODFISH

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 51, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 51 establishes new ceiling prices for the sale of salted codfish in Puerto Rico at all levels of distribution.

About 95 percent of the codfish consumed in Puerto Rico is imported from Newfoundland, under contracts extending from July 1 to June 30 of the succeeding year. The present contract with the Newfoundland Association of Fish Exporters Ltd., otherwise known as NAFEL, expired on June 30, 1952. Under suppliers' present asking prices and at existing ceiling prices, Puerto Rico importers of codfish will not be enabled to receive margins equivalent to those received by them in the pre-Korea period. The increase in ceiling price to importers and in turn of the ceiling price at wholesale and retail should enable these importers to continue to import the codfish and at the same time receive their normal markups in accordance with section 402 (k) of the Defense Production Act. This amendment increases the ceiling prices of codfish by $1.20 per hundredweight for sales by importers to wholesalers, by $1.30 per hundredweight for sales at wholesale and by 1½ cents per pound for sales at retail.

In formulating this amendment, the Director has consulted with the Industry Advisory Committee for Codfish to the fullest extent practicable prior to the issuance of this amendment and has given due consideration to its recommendations. In the judgment of the Director, this amendment is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Paragraph (b) of section 2.1 of Ceiling Price Regulation 51 is amended to read as follows:

(b) *Ceiling prices.* Ceiling prices for salted codfish are established as follows:

Salted codfish:	
Sales to wholesalers (per 100 pounds)	$19.50
Sales at wholesale (per 100 pounds)	20.50
Sales at retail:	
1 pound	.24
2 pounds	.47

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to Ceiling Price Regulation 51 is effective September 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 19, 1952.

[F. R. Doc. 52-10391; Filed, Sept. 19, 1952; 5:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 3, Revised]

INT. 3—PROFIT SHARING AND OTHER BONUSES UNDER GENERAL SALARY STABILIZATION REGULATION NO. 2, AS AMENDED

GENERAL

0.01 Q. Does the Bonus Regulation issued by the Salary Staziliziation Board differ from the bonus regulation issued by the Wage Stazilization Board?

A. Yes, because of the substantial differences in custom and general practice in bonus payments to management employees as distinguished from production workers.

SECTION 1

1.01 Q. To what types of bonuses does the Bonus Regulation apply?

A. The Bonus Regulation applies primarily to bonuses based on profit sharing.

The Bonus Regulation applies whether the bonuses are paid directly to employees or under a profit-sharing plan or into a fund or trust. The profit-sharing plan or trust may, but need not, be one approved by the Bureau of Internal Revenue under section 165 of the Internal Revenue Code. Such a profit-sharing plan or trust does not necessarily give rise to contractual bonuses under section 3 of the Regulation (see 3.09).

The Bonus Regulation also applies to bonuses customarily paid on holidays, at the end of the employer's fiscal or calendar year, at vacation time or on similar occasions. However, paid vacations are not within the scope of the Bonus Regulation; to the extent that such paid vacations were a practice of the employer in effect on January 25, 1951, they may represent an auxiliary pay practice authorized by section 91 of General Salary Stabilization Regulation 1, Amended.

Christmas or year-end bonuses may, at the employer's election, be paid to the extent permitted under either the Bonus Regulation or any special regulation, order or interpretation made applicable to 1952. If paid under Interpretation 2, bonuses of a similar nature paid in prior years may not be included as part of the "base period bonus fund" provided for by the Bonus Regulation.

1.02 Q. Does the Bonus Regulation apply to a bonus paid for the successful performance of an important assignment, such as the successful completion of a series of especially newsworthy articles?

A. Yes, provided the employer has a bonus fund available under the Regulation.

1.03 Q. Are there bonuses to which the Bonus Regulation does not apply?

A. Yes. The Bonus Regulation does not apply to bonuses which are directly related to hours worked, such as bonuses for overtime or work on Saturdays, Sundays, or holidays. The Bonus Regulation does not apply to bonuses based on units

produced, such as incentive bonuses of the type often paid to wage earners.

The Bonus Regulation also does not apply to bonuses that are both computed and paid more often than every three months (see 1.05 and 1.06).

The Bonus Regulation also does not apply to new profit-sharing and other bonuses authorized by General Salary Order 12 or new deferred profit-sharing or stock bonus plans and trusts which may be put into effect under General Salary Stabilization Regulation 6, as amended.

1.04 Q. Are salesmen's commissions considered bonuses within the Bonus Regulation?

A. No. Salesmen's commissions are not bonuses within the Regulations, but are a distinct method of paying salesmen their basic compensation, which has been made the subject of a separate regulation. On the other hand, a bonus paid to a department store or branch manager based on a percentage of profits is a profit-sharing bonus within the provisions of the Bonus Regulation.

1.05 Q. Does the Bonus Regulation apply to a bonus that is computed each month but paid only once a year?

A. Yes. Only bonuses which are both computed and paid more frequently than every three months are excluded from the provisions of the Bonus Regulation.

1.06 Q. A company has had a practice of computing and setting aside 5 percent of its net profits after the close of each calendar year and paying such profits to employees in monthly installments. Does the Bonus Regulation apply to these profit-sharing bonuses?

A. Yes. Even though the bonuses are paid in monthly installments, they are computed only once a year.

1.07 Q. Is severance pay covered by the Bonus Regulation?

A. No. Severance pay constitutes an auxiliary pay practice governed by the provisions of other salary stabilization regulations.

1.08 Q. How are bonuses classified under the Bonus Regulation?

A. The Bonus Regulation classifies bonuses as follows:

(1) Contractual bonuses which are paid pursuant to a contract or established plan under which both computation and allocation are predetermined (section 3);

(2) Bonuses paid pursuant to an established plan under which allocation is of a discretionary nature (section 4);

(3) Discretionary bonuses under which both computation and allocation are of a discretionary nature (section 5).

The Bonus Regulation treats bonuses in the first category differently from those in the second and third categories; bonuses in the second and third categories are, generally speaking, treated in a similar manner.

1.09 Q. Under the Bonus Regulation, must a bonus be paid in cash?

A. No. Bonuses may be paid in cash or in property, such as stock of the employing corporation or of another corporation, government bonds, or any other property.

1.10 Q. How should the amount of bonus paid in stock or other property be determined for the purpose of the Regulation?

A. By determining the fair market value of the stock or property at the time of its award (see 2.05).

1.11 Q. Under a profit-sharing plan bonuses have historically been paid 50 percent in cash and 50 percent in stock. May the bonus this year be paid 75 percent in cash and 25 percent in stock?

A. Yes. Provided the total bonus does not exceed the total amount allowable under the Bonus Regulation.

SECTION 2

2.01 Q. Does the Bonus Regulation establish a dollar ceiling on bonuses?

A. Yes. The Bonus Regulation establishes a dollar ceiling upon all bonuses other than contractual bonuses, which are separately treated in the Bonus Regulation.

For bonuses paid under either section 4 or section 5, the employer is given two general alternatives in computing his dollar ceiling:

(1) The employer can base current bonus payments on the total bonuses paid for the calendar year 1950. If the employer elects this alternative and paid bonuses totaling $50,000 for the calendar year 1950, the sum of $50,000 is his ceiling.

(2) The Bonus Regulation recognizes that the year 1950 may not have been typical for certain companies. Accordingly, it gives the employer the alternative of selecting three years from the five calendar years 1946 to 1950 and taking the average of the total bonuses paid in the three years thus selected.

EXAMPLE: The employer paid bonuses as follows:

1946	$35,000
1947	60,000
1948	45,000
1949	55,000
1950	50,000

The total bonuses for the three highest years (1947, 1949 and 1950) amount to $165,000, producing an annual average of $55,000. This annual average is higher than the 1950 bonus of $50,000, and the employer may treat the sum of $55,000 as his ceiling.

The ceiling under either alternative selected by the employer is called the "base period bonus fund".

2.02 Q. If an employer did not distribute a bonus in 1950, may he nevertheless distribute a bonus in 1951?

A. Yes, provided that a bonus was paid in at least one out of the four years 1946, 1947, 1948 and 1949. If he paid a bonus in only one of these four years, his bonus ceiling is one-third of the bonus paid in that one year. If he paid a bonus in only two of these years, his bonus ceiling is one-third of the total bonuses paid in these two years.

2.03 Q. May an employer who was limited in the distribution of discretionary bonuses in 1950 or other years since 1946, due, for example, to a restrictive agreement with the Reconstruction Finance Corporation, or another lending institution, increase his bonus ceiling when the restriction is removed?

A. No.

2.04 Q. To what extent is the employer bound by his selection of either alternative in computing the bonus ceiling?

A. The employer is bound by his selection for the purpose of all other determinations under the Bonus Regulation, including the determination of the highest single bonus paid by the employer for the purpose of sections 4 and 5, and the determination of increases or decreases in the bonus group under section 6. All such determinations must be made on the basis of the year or years used in computing the base period bonus fund.

2.05 Q. How is property distributed as a bonus valued for the purpose of determining the bonus ceiling?

A. Property distributed as a bonus should be valued at its fair market value as of the time of the bonus award. Valuation practices acceptable under the Internal Revenue Code may be followed in making such valuations. However, a past practice which has been consistently followed prior to January 25, 1951, should be continued; for example, if common stock is awarded as a bonus and, according to past practice, has been valued at its average market value over a particular period, such practice should be followed under the Regulation.

2.06 Q. If an annuity is awarded as a bonus, how should the annuity be valued?

A. The amount of the premium paid for the annuity by the employer on behalf of the employee represents the value of the bonus under the Bonus Regulation.

2.07 Q. What is meant by bonuses "payable with respect to the calendar year 1950"?

A. Many companies follow the practice of paying bonuses for a particular year after the close of that year. It would have been inequitable to permit some companies to use 1950 profits to compute their bonus ceiling because such companies happened to pay 1950 bonuses in 1950 while not permitting other companies to use 1950 profits for the purpose of their bonus ceiling because such companies, in accordance with their normal practice of paying bonuses for one year after the close of that year, had not paid 1950 bonuses prior to January 25, 1951, the stabilization date. On the other hand, companies could not be permitted to determine their 1950 bonuses, subsequent to issuance of the Bonus Regulation, for any such permission would be wholly inconsistent with stabilization objectives. The Bonus Regulation was issued on August 17, 1951 and it was assumed that companies which normally paid bonuses for 1950 after the close of that year would long before the issuance of the Bonus Regulation have made their bonus determinations and awards subject only to the approval of stabilization authorities.

In view of the foregoing, bonuses "payable with respect to the calendar year 1950" are construed to mean bonuses which are:

(1) Payable as compensation for services rendered during 1950, and

(2) Payable entirely out of profits earned in 1950, and

(3) Determined and fixed in amount prior to August 17, 1951, and which

would have been paid prior to August 17, 1951, but for wage or salary stabilization.

Any employer paying 1950 bonuses in 1951 must maintain records sufficient to establish that such bonuses comply with each of the foregoing requirements. Profit and loss statements, balance sheets, annual reports, income tax returns, and substantiating entries in the employer's books will be considered relevant. The amendment subsequent to August 17, 1951, of income tax or other returns to reflect increased bonuses will be deemed prima facie evidence that such bonuses were not determined and fixed in the manner contemplated by the Bonus Regulation and bonuses paid under such circumstances may be deemed a violation of the Bonus Regulation.

2.08 Q. What is meant by bonuses payable with respect to three years selected by the employer out of the five calendar years from 1946 to 1950?

A. Bonuses paid with respect to each such year after the close of that year as compensation for services rendered during that year and paid entirely out of that year's profits. If the year 1950 is included among the three base years, such bonuses must have been both fixed in amount and determined prior to August 17, 1951 (see 2.07).

2.09 Q. How may an employer on a fiscal year basis, whose fiscal year ends after January 31, compute his base period bonus fund?

A. For the purpose of computing his base period bonus fund, an employer with a fiscal year ending after January 31 may use only bonus payments made during the calendar year 1950 or one-third of the total bonus payments paid during any three calendar years selected from the five calendar years 1946 through 1950. An employer on such a fiscal year basis may not include bonuses that were not actually paid on or before December 31, 1950.

EXAMPLE: A profit-sharing plan provides that 10 percent of net profits shall be placed in a bonus fund with selection of participants in the bonus fund discretionary. The company's fiscal year expires on June 30. In September 1950 the company paid into the bonus fund and thereafter paid out $50,000, representing 10 percent of its net profits of $500,000 for the fiscal year ending June 30, 1950. The company's net profits for July through December 1950 (the first 6 months of the company's fiscal year ending June 30, 1951) amounted to $750,000. However, no part of such profits was distributed to employees. The company's ceiling amounts to $50,000 and the company may not increase such ceiling by adding 10 percent of the net profits during the last 6 months of 1950. If the employer had distributed a part of the July–December 1950 profits in 1950, such part may be added to the ceiling.

2.10 Q. An employer's fiscal year ends January 31. Since 1947 he has had a profit-sharing plan including a formula providing for a percentage of net profits to be placed in a bonus fund for key executives, with selection of participants and their share in the bonus fund discretionary with the employer. How should the employer compute his base period bonus fund for the purpose of determining bonuses payable with respect to the fiscal year ending January 31, 1952?

A. The employer may apply the bonus fund formula to eleven-twelfths of the net profits for the fiscal year ending January 31, 1951, and to one-twelfth of net profits for the fiscal year ending January 31, 1950.

The total so computed constitutes the employer's base period bonus fund which he may not exceed in determining bonuses payable with respect to the fiscal year ending January 31, 1952.

In the alternative, the employer may use as his base period bonus fund one-third of the total bonuses paid in or with respect to any three out of the four fiscal years ending January 31, 1947, January 31, 1948, January 31, 1949, and January 31, 1950, or one-third of the total bonuses paid in any three out of the five calendar years 1946 to 1950 inclusive.

EXAMPLE: The fiscal year of a department store expires on January 31. Its net profits for the fiscal year ending January 31, 1950, were $120,000 and for the fiscal year ending January 31, 1951, were $180,000. The company has had a profit-sharing plan providing for a five (5) percent bonus fund. The company may use as its base period bonus fund the sum of $8,750, computed as follows:

1/12 of $120,000 equals	$10,000	
5 percent of $10,000 equals		$500
11/12 of $180,000 equals	165,000	
5 percent of $165,000 equals	8,250	
1950 base period bonus fund	8,750	

The $8,750 figure is the employer's base period bonus fund for the fiscal year ending January 31, 1952, and any future fiscal year.

2.11 Q. An employer has a fiscal year ending January 31. At the close of each year he has paid bonuses on a wholly discretionary basis without a bonus fund. How should the employer compute his base period bonus fund?

A. An employer may determine the percentage which the total of all bonuses distributed in or with respect to the fiscal year ending January 31, 1950, bears to the net profits for that fiscal year. The percentage thus obtained may be applied to eleven-twelfths of the net profits for the fiscal year ending January 31, 1951, and to one-twelfth of the net profits for the fiscal year ending January 31, 1950. The total so computed constitutes the employer's base period bonus fund in or with respect to the calendar year 1950 which he may not exceed in determining bonuses payable with respect to the fiscal year ending on January 31, 1952.

Example: The fiscal year of a department store expires on January 31. The company has paid bonuses on a purely discretionary basis and without a bonus fund. With respect to the fiscal year ending January 31, 1950, the company paid bonuses totaling $6,000 and had profits totaling $120,000. In the fiscal year ending January 31, 1951, the company's profits were $180,000. The company may use as its base period bonus fund the sum of $8,750 computed as follows:

The percentage which $6,000 bears to $120,000 is 5 percent:

5 percent of $120,000 equals	$6,000	
1/12 of $6,000 equals		$500
5 percent of $180,000 equals	9,000	
11/12 of $9,000 equals	8,250	
1950 base period bonus fund	8,750	

The $8,750 figure is the employer's base period bonus fund for the fiscal year ending January 31, 1952, and any future fiscal year.

2.12 Q. What is the basis for the interpretation given in paragraphs 2.10 and 2.11 to the general rule?

A. The interpretation given in paragraphs 2.10 and 2.11 is based on the consideration that, with regard to the fiscal year ending January 31, 1951, only six days of the entire fiscal year postdate the stabilization date of January 25, 1951. The same consideration does not apply in the case of fiscal years expiring after January 31.

SECTION 3

3.01 Q. What is a contractual bonus?

A. A contractual bonus is a bonus payable under a contract or a corporate instrument, such as a by-law, or under an established plan, in effect on January 25, 1951, providing a method or formula for both the computation of the bonus fund and for its allocation in a fixed or specific manner among ascertainable employees. Such a definite share in the profits is considered part of the rate of compensation that the employee was receiving on January 25, 1951, and which he may continue to receive.

EXAMPLE: A corporate by-law provides that 7½ percent of the company's net profits shall be set aside for the president and four vice presidents, the president to receive 2½ percent and each of the four vice presidents to receive 1¼ percent. The by-law is considered as fixing a rate of compensation for the designated employees which includes the stated percentage of profits. The Bonus Regulation allows payment of such percentage compensation to continue.

3.02 Q. Is there a limitation on contractual bonuses?

A. The limitation on contractual bonuses is on the method or formula for computing the bonus. There is no dollar ceiling and the amount payable pursuant to such an arrangement may continue to be paid irrespective of variations in amount, but no increase in payments may be made as a result of a change, subsequent to January 25, 1951, in the method or formula of computing the bonus.

3.03 Q. What kind of changes in contractual bonuses are prohibited under the Bonus Regulation?

A. If a contract between an employing corporation and its president in effect on January 25, 1951, provides for the payment of a fixed salary plus 2½ percent of the net profits after taxes, the contract may not now be changed to increase the percentage of profits payable to the president from 2½ to 3½ percent. Similarly, the contract may not now be changed to compute the share of profits before taxes or to eliminate depreciation as an expense item in the computation of his share of the profits if depreciation had previously been treated as an expense. Changes of such a nature may result in increased bonus payments. Nor may the formula be changed in such a way as to change the base in a manner not permitting a definite determination as to whether the bonus would be increased by the change.

On the other hand, reduction in the percentage of profits to be charged may of course be put into effect.

3.04 Q. Under an employment contract made in 1948, an employee is entitled to receive 2 percent of the company's annual net profits up to $500,000 and 2½ percent of the company's annual net profits in excess of $500,000. If the company's net profits have never exceeded $500,000 in the past but are expected to exceed $500,000 in 1951, may the employee be paid 2½ percent of the company's net profits in excess of $500,000?

A. Yes. The increased percentage is considered part of the employee's rate of compensation in effect on January 25, 1951.

3.05 Q. A bonus plan in effect on January 25, 1951, provides that 5 percent of the company's annual net profits shall be distributed among ten designated officers and employees of the company in proportion to their salaries at the time of the bonus award. Is the plan considered a contractual bonus plan?

A. Yes, if all the participating officers and employees were specifically designated and ascertainable prior to January 25, 1951. However, if the officers and employees were subject to selection, the plan would not be considered a contractual bonus plan.

3.06 Q. A bonus plan provides that 10 percent of the net profits shall be set aside for the president of the company and such employees as he may designate, the president to receive 25 percent of the bonus fund and the remaining employees to receive such bonuses as the president may determine. Is this a contractual bonus plan?

A. No, except as to the president, since he is the only employee who is entitled to a bonus determined in accordance with a definite method or formula for both computation and allocation of the bonus.

3.07 Q. A bonus plan provides that 5 percent of the net profits of the company shall be set aside for five designated employees in proportion to their salaries. The plan provides that the share of any participating employee may either be reduced or increased by not more than 10 percent in the discretion of the Board of Directors. Is this a contractual bonus plan?

A. Yes, this is a contractual bonus plan but only to the extent that each of the participating employees has a predetermined share in the fund, i. e., as to 90 percent of his interest in the bonus fund. The remaining 10 percent interest of the participating employees constitutes a fund under a discretionary bonus plan (section 4) since allocation is of a discretionary nature.

3.08 Q. In the foregoing example, would the result be changed if the Board of Directors, subsequent to January 25, 1951, renounced its discretion to reduce or increase the share of each participating employee?

A. No. Such renunciation represents an attempt to convert the bonus fund from a discretionary to a contractual basis in respect to the 10 percent interest of the participating employees.

3.09 Q. Are profit-sharing plans that are qualified under section 165 of the Internal Revenue Code contractual bonuses?

A. The answer depends upon the nature of the plan and the obligation of the employer to the participating employees. The same considerations apply as in the case of other plans. However, new deferred profit-sharing and stock bonus plans and trusts qualified under section 165 (a) of the Internal Revenue Code are subject to General Salary Stabilization Regulation 6, as amended, and not to the Bonus Regulation.

3.10 Q. An employment contract in existence on January 25, 1951, provides that in any year in which the employing company's annual net profits exceed $100,000, the employee shall be paid a bonus equal to 5 percent of his salary. In 1950 the employee's salary was $10,000. In June 1951 the employee's salary was increased to $11,000. Is the employee entitled in December 1951 to a bonus of $500 (5 percent of $10,000) or $550 (5 percent of $11,000)?

A. The employee is entitled to a bonus of $550, assuming of course that the salary increase was permitted by salary stabilization regulations. On the other hand, if the employee received the salary increase as a result of a promotion and the employee's predecessor in the position to which he was promoted was receiving a salary of $11,000 without a contractual bonus arrangement, the profit-sharing arrangement is no longer part of the rate of compensation for the employee's position and the contractual bonus cannot be continued.

3.11 Q. Under an employment contract made in November 1950 an employee is entitled to 2½ percent of the net profits. The contract expires on October 31, 1951. May the contract be renewed for an additional period?

A. Yes, provided the terms, including the profit-sharing percentage and its computation, are no more favorable to the employee. Renewal of the contract under such circumstances will not be considered to have increased the employee's rate of compensation.

3.12 Q. Under an employment contract in effect on January 25, 1951, the Executive Vice President of a company was entitled to 2½ percent of the company's net profits. The contract expired on August 31, 1951, at which time the Executive Vice President left the company's employment. May another individual employed as Executive Vice President or promoted to that position receive a contract upon the same terms as the Executive Vice President who resigned?

A. Yes, provided the terms, including the profit-sharing percentage and its computation, are no more favorable to the new Executive Vice President than the previous contract. The contractual bonus was part of the rate of compensation attached to the position of Executive Vice President on January 25, 1951 and may continue to be paid to an individual actually discharging the duties and responsibilities of that position.

SECTION 4

4.01 Q. A company has had a profit-sharing plan which provides that 5 percent of the company's net profits shall be set aside for allocation to key employees selected by a Bonus Committee. During 1950 the company's net profits amounted to $500,000 representing a greater amount than the average net profits during any three of the five years, 1946 to 1950. The company distributed $25,000 as profit-sharing bonuses in respect to the year 1950. During 1951 it is expected that the company's net profits will amount to $750,000 so that under the company's plan the company will have available for profit sharing 5 percent of $750,000, or $37,500. May the company distribute the sum?

A. No. The company may not distribute as bonuses more than $25,000, subject to permissible adjustments permitted by salary stabilization regulations. (See 6.01; consult also section 9 of the Bonus Regulation).

4.02 Q. How is the existence of an established written bonus plan determined?

A. An established written plan implies a formal documentary basis, permanence in time, and continued application. These requirements are not fulfilled if the plan can only be shown to exist by a compilation of payroll or similar records showing that a bonus was paid by an employer in the past. However, if the requirements of an established plan are met, the plan need not have been formally communicated to the employees.

4.03 Q. Does an employer have an established plan if the plan is readopted from year to year either by the board of directors, by stockholders, or by both?

A. Yes.

4.04 Q. A company has had a profit-sharing plan which provides that 5 percent of the company's net profits shall be set aside for allocation to employees. During 1950 the company's net profits amounted to $500,000 and the company distributed $25,000 as profit-sharing bonuses. In 1951 the company's net profits will amount to $400,000. How much may the company distribute as profit-sharing bonuses?

A. $20,000. The company must adhere to the method or formula of computation contained in the plan even though the ceiling for 1950 is at a higher figure.

4.05 Q. May the method or formula for computing the bonus fund be changed?

A. No. The bonus fund may not be increased as a result of a change in the method or formula made after January 25, 1951. (See 3.03.)

4.06 Q. If an employer uses a three-year period for computing his bonus ceiling, may he pay in the current year a bonus to any one of his employees up to the highest bonus paid to any employee in any one of the three years selected?

A. Yes. For example, if an employer used the average of all his bonuses paid in 1947, 1948 and 1949, and the highest bonus paid in any one of these three years was $15,000, the highest bonus payable is $15,000. If, in this example, the employer paid a bonus of $20,000 in 1950 but that year was not used in computing the bonus ceiling, the employer may not use the $20,000 bonus for the individual bonus ceiling.

4.07 Q. What other limitations are imposed on the employer's discretion in distributing bonuses?

A. The employer must follow his historical or usual practices in distributing bonuses to his employees or to groups of his employees under the plan.

For instance, if an employer had in effect a particular type of personnel evaluation system, he may not abandon this system and substitute arbitrary discretion.

If an employer allocated bonuses among divisions of his company, treating the employees in each division as a separate group, he may not abandon this system and distribute bonuses to only one division or distribute them arbitrarily among all employees without regard to sharing in the bonuses by the employees in these divisions as groups.

If the employer distributes bonuses among business divisions or other groups or units of his employees, he must observe the ceiling on the highest individual bonus in each such division, group or unit paid in the base bonus period.

4.08 Q. An employer with an established but discretionary bonus plan, administered by a Bonus Committee of the Board of Directors, had in 1950 a minimum salary requirement for participating employees of $8,500 per annum. The employer now desires to lower the minimum requirement to $7,500 per annum. May he do so?

A. No, not without approval by the Office of Salary Stabilization. Approval would likewise be required for the employer to increase the minimum salary requirement.

4.09 Q. May a discretionary bonus plan include both employees under the jurisdiction of the Wage Stabilization Board and of the Salary Stabilization Board?

A. Yes, provided that in paying bonuses, the employer separates the bonus fund for the two groups of employees, and observes the provisions of the Bonus Regulation of the Salary Stabilization Board and his historical or usual practice with regard to that portion of the bonus fund which is paid as bonuses to the employees under the jurisdiction of the Salary Stabilization Board.

4.10 Q. An employer formally adopted a bonus plan between January 1, 1950 and January 25, 1951 containing a method or formula for computation of the bonus fund and providing for discretionary distribution thereof. The bonus plan applies to work performed before and after January 25, 1951, but the first payment of bonuses under the plan is to be made only after January 25, 1951. May the employer pay bonuses under this plan without the prior approval of the Office of Salary Stabilization, and how does he compute his base period bonus fund?

A. The employer may pay bonuses under the plan without prior approval. The base period bonus fund shall be the amount which, under the plan, would have become available for bonuses either in the calendar year 1950 or in the fiscal year ending in 1950 (dependent on whether the employer operates on a calendar or fiscal year basis), if the plan had been in effect during such calendar or fiscal year. No other method may be used to compute the base period bonus fund under the plan.

SECTION 5

5.01 Q. How may discretionary bonuses be paid?

A. The employer may pay up to the same bonuses paid or payable to the same employees in or with respect to the calendar year 1950.

For example, if employees A, B, and C received in 1950 bonuses of $1,000, $3,000, and $10,000 respectively, their employer may in 1951 pay bonuses to A up to $1,000, to B up to $3,000 and to C up to $10,000. Under this method B cannot receive a bonus of $5,000. If the employer wants to pay B such a bonus, he must use the bonus fund method under section 5 (b), as explained in paragraph 5.02.

5.02 Q. If the employer desires to make a different allocation to employees from that made in 1950, how may he do so?

A. The employer may compute his bonus ceiling (in accordance with the options allowed in section 2) and treat an amount not in excess of such ceiling as a fund which he may distribute in his discretion among any of his employees, subject to the ceiling on individual bonuses and the limitation that he must follow any past practice as to the particular groups of employees who have been paid a bonus in the past. For example, if bonuses have in the past only been paid to department heads and officers of the company were not paid bonuses, an officer of the company may not be paid a bonus this year under the Bonus Regulation.

5.03 Q. Are there any other limitations on the exercise of the employer's discretion in distributing the bonus fund?

A. The same general limitations apply as apply to the distribution of the bonus fund under an established plan (see, e. g., 4.06).

SECTION 6

6.01 Q. If an employer has in the past awarded bonuses under a plan (section 4) or out of a bonus fund (section 5 (b)) to a group of employees, may he increase the fund if the group has increased?

A. Yes. If the group is composed entirely of employees under the jurisdiction of the Salary Stabilization Board and has increased solely through hiring, promotions, or transfers into the group, the employer may average the bonuses paid to the employees in the group in the base bonus year and add an amount not in excess of such average for each new employee in the group. The increase in the group is the difference between the current number of employees in the group and the number of employees in the group during the base period even though some of the employees in the group during the base period received no bonus.

Examples: (a) An employer had a group of 20 scientists who received bonuses totaling $5,000 in 1950 (the base year), and the average bonus paid to such employees was therefore $250. In 1951, at the time of the distribution of bonuses, the number of scientists has increased to 30 by the expansion of the group through the hiring of 10 new scientists. The employer may increase the bonus fund by ten times $250 or $2,500, bringing the total bonus fund to $7,500. The employer may distribute this total of $7,500 among his 30 scientists as he sees fit, subject to the limitations in the regulation as to past practice, etc. Within these limitations the employer need not distribute a bonus to the 10 new scientists even though their addition to the group has increased the bonus fund. However, the average bonus paid to the scientists must not exceed the amount of $250, which was the average of the bonuses paid to the scientists in the base period 1950.

(b) If the employer in 1950 had paid bonuses to only 15 out of the 20 scientists he may not increase the bonus fund because he wants to give a bonus this year to the five scientists who did not participate last year, if there has been no increase in the group through hiring, promotion or transfer. However, the employer can distribute the bonus fund among all 20 employees by reducing the individual bonus of some or all of the 15 recipients of the 1950 bonus.

6.02 Q. How does the employer determine the average bonus which he must maintain when the group is increased?

A. The average bonus is determined by dividing the total bonus paid to the group by the number of employees who received a bonus. If the employer paid 20 scientists total bonuses aggregating $5,000 in the base year 1950, the average bonus is $250. Regardless of the amount that he may add when the group increases, the average of the bonuses paid in any subsequent calendar year may not exceed $250.

Assuming that in the example given in the answer to the preceding question, the group of scientists has increased in 1951 to 30 and the bonus fund has increased to $7,500, the employer, if he so desires, may pay three of the scientists bonuses of $500 (if this sum was not in excess of the highest single permissible bonus) provided bonuses to the other scientists are reduced sufficiently so that the $250 average for the group of scientists is maintained.

6.03 Q. Under the employer's bonus plan all employees who earn $5,000 or more per annum are eligible for a bonus. A, whose salary in 1950 was $4,500, is promoted to a position in the scientific department paying $5,500. B, an employee in the department, receives a merit increase, which increases his salary from $4,800 to $5,100. Can the bonus fund for the scientific department be increased on account of A's promotion and B's salary increase?

A. Yes.

6.04 Q. An employer computes his bonus ceiling by taking an average of the total bonuses paid in the three years 1947, 1948 and 1949. In 1947, he had 25 scientists; in 1948, 30 scientists; and in 1949, 35 scientists. What is the size of the group on the basis of which he can determine whether the group has increased or decreased in 1951?

A. 30. The average size of the group for the three years forms the basis for the increase or decrease in the bonus fund.

SECTION 7

7.01 Q. An employer has distributed his bonus fund in such a manner that some employees have received very high bonuses and others very low ones. Can the disparity of total compensation thus created be used as a basis for an application to increase the salary or other compensation of the employees who received low bonuses?

A. No. The Bonus Regulation expressly provides that any inequities created by the distribution of bonuses shall not constitute a basis for a subsequent application for increasing salaries or other compensation.

SECTION 8

8.01 Q. A company has customarily paid bonuses on October 1. It now desires to pay bonuses on June 1, so that the employees may receive their bonuses before the usual summer vacations. May it do so?

A. No. Bonuses may not be accelerated in advance of the customary time of payment.

8.02 Q. An employer in the past has paid a bonus on November 1 of each calendar year. The employer contemplates going out of business on October 1, 1951. May the payment of the customary bonus be accelerated?

A. The payment of bonuses in this situation may not be accelerated.

8.03 Q. Under a profit-sharing plan, a bonus awarded in one year is paid in five annual installments. May the bonus now be paid in four instead of five annual installments?

A. No. Such a change would represent an acceleration in payment.

8.04 Q. Under a profit-sharing plan, a bonus award made in one year is payable in four annual installments and such installments are paid only if "earned out"—that is, subject to the condition, among others, that the employee continues in the company's employ. May the plan be amended to provide that the unpaid installments of the bonus award shall be paid to the employee if his employment is terminated before earning out such installments?

A. No. If the plan did not contain such a provision prior to January 25, 1951, the plan may not be so amended.

SECTION 9

9.01 Q. A company has annually paid discretionary bonuses to a group of its employees, the bonuses to each individual in the group having ranged from $1,000 to $5,000. In 1950 total bonuses to the group aggregated $100,000. May the salaries or other compensation of the group be increased by 10 percent of $100,000, or $10,000, pursuant to the provisions of section 22 of General Salary Stabilization Regulation 1, Amended?

A. No. Bonuses paid under the Bonus Regulation shall not be included in any manner in the computation of an increase authorized by section 22.

9.02 Q. In 1949 a company paid aggregate bonuses of $100,000 to a group of its employees. In 1950, and subsequent to January 15, 1950, it paid aggregate bonuses of $125,000. Must the $25,000 increase in its bonuses paid in 1950 be charged against the 10 percent allowable for salary increases under section 22?

A. No. The Bonus Regulation provides that a bonus increase in 1950 need not be charged against the allowable 10 percent catch-up increase, as distinguished from a salary increase which has become a permanent part of the employee's rate of compensation. Upon the same reasoning, the bonus cannot be prorated back to the January 15, 1950, base salary level to provide an additional bonus or salary increase.

9.03 Q. The bonus ceiling of an employer based upon total bonuses paid in 1950 is $50,000. These bonuses were paid on December 31, 1950, to a group of five employees whose aggregate salaries amounted to $1,000 per week for the first regular payroll period ending on or after January 15, 1950. The employees in the group have received no increases in salaries since January 15, 1950, and the number of employees in the group has remained constant. May the bonus ceiling of $50,000 be augmented by the 10 percent catch-up increase provided in section 22, and, if so, by how much?

A. The bonus ceiling of $50,000 may be increased by $5,200. This sum is computed by multiplying the aggregate weekly salaries of $1,000 by the number of weeks from the commencement of the bonus period, January 1, 1951, to the date of bonus distribution, December 31, 1951 (i. e. 52 weeks), and by taking 10 percent of that amount.

9.04 Q. Upon the facts stated in the example just given, the highest single bonus paid in 1950 was $12,000. What is the highest individual bonus that may be paid?

A. $17,200—that is, the $12,000 ceiling on individual bonuses, plus the entire amount ($5,200) available by reason of the increase of the bonus fund under General Salary Stabilization Regulation 2, as amended. The 10 percent allowance may in the discretion of the employer be distributed to only one individual in a group, subject to the condition that any inequity so created cannot be used as a basis for approval of other salary adjustments.

9.05 Q. If an employer uses the 10 percent catch-up increase for bonuses in 1951, may he use it again for bonuses thereafter?

A. Yes, unless he has granted a general 10 percent increase or otherwise used the permissible increase since December 31, 1951.

9.06 Q. An employer has a weekly base compensation payroll of $10,000 for employees subject to the jurisdiction of the Salary Stabilization Board. The authorized percentage increase under section 41 of General Salary Stabilization Regulation 1, amended, is 2 percent, as of December 1, 1951, the date of the employer's computation under section 41. What is the maximum amount available to the employer at that date for distribution of bonuses assuming the amount available for that purpose under the terms of section 41 as of December 1, 1951?

A. $200.00, if December 1, 1951, is the employer's customary date for distributing bonuses. If the employer's customary date of distribution is December 28, 1951, the payroll remaining constant, the employer may add $800.00 to the bonus fund and pay that amount by way of bonuses.

9.07 Q. If an employer uses the entire percentage increase authorized under section 41, as an addition to an existing base period bonus fund for the payment of bonuses on December 31, 1951, may he use the percentage increase to pay a bonus in a subsequent calendar year?

A. Yes, unless the employer has granted an increase in salaries equal to the percentage increase authorized under section 41 or has otherwise used the entire authorized percentage increase since December 31, 1951. However, if an employer has since December 31, 1951 granted an increase in salaries or other compensation, using part of the authorized percentage increase only, the unused balance may be added to the existing base period bonus fund of the employer in the subsequent calendar year.

9.08 Q. An employer had available a percentage increase of 2 percent authorized under section 41 and used one-half thereof, or one (1) percent, as an addition to his existing base period bonus fund in distributing bonuses at the end of the fiscal year on February 29, 1952. May he add the same one (1) percent to his base period bonus fund in paying bonuses at the end of his next fiscal year, beginning March 1, 1952 and ending February 28, 1953?

A. Yes, unless during such next fiscal year the employer uses part or all of the one (1) percent paid as bonuses on February 29, 1952 for increases in salaries or other compensation before the time of the distribution of the bonuses in 1953. Only the percentage which is not paid out as increases in salaries or other compensation may be paid as bonuses on February 28, 1953.

SECTION 10

10.01 Q. Must an employer who has paid bonuses pursuant to the Bonus Regulation, file reports with the Office of Salary Stabilization?

A. No. In accordance with amendment 1 to General Salary Stabilization Regulation 2, reports are no longer required to be filed with the Office of Salary Stabilization. However, employers must keep records sufficient to establish compliance with this regulation. If the bonus fund has been increased through use of moneys available for increases in salaries and other compensation under sections 22 or 41 of General Salary Stabilization Regulation 1, Amended, the records and summary statements required by section 101 of that regulation must also be kept.

SECTION 11

11.01 Q. What is the purpose of section 11?

A. To make clear that permission granted by the Bonus Regulation to pay a particular bonus does not mean, for example, that the payment of the bonus could not be challenged as a waste of corporate assets in an action by stockholders. Obviously, the Salary Stabilization Board, in issuing its salary

stabilization regulations, is making no determination with respect to the validity or propriety of payments under laws other than those relating to salary stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on September 16, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-10409; Filed, Sept. 22, 1952; 12:00 m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-66 and Direction 1—Revocation]

M-66—ARTIFICIAL GRAPHITE AND CARBON ELECTRODES

DIR. 1—ALLOCATION AUTHORIZATIONS OF ARTIFICIAL GRAPHITE AND CARBON ELECTRODES FOR THE FOURTH QUARTER 1952

REVOCATION

NPA Order M-66 (16 F. R. 9285) and Direction 1 under that order (17 F. R. 7942) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-66 or Direction 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective September 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10404; Filed, Sept. 22, 1952; 11:01 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 3, Revocation]

SFO-3 DISTRIBUTION OF BITUMINOUS COAL

REVOCATION

Order SFO-3 (17 F. R. 8389) which controlled the shipment of bituminous coal in railroad cars from certain mines is hereby revoked.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.)

This revocation is effective September 20, 1952.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 52-10408; Filed, Sept. 22, 1952; 11:28 a. m.]

No. 186——3

Chapter XIV—General Services Administration

[Revision 1]

MANGANESE REGULATIONS: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT DEMING, NEW MEXICO

This regulation, as amended, is further amended and revised for the purpose of extending the time within which persons may give notice to the Government of their desire to participate in this purchase program, and for the purpose of adjusting the price schedule for manganese ore. This regulation, as amended and revised, reads as follows:

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ores.
7. Ores containing lead and zinc in excess of the allowable maximum.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to delegation of authority from the Defense Materials Procurement Administrator, manganese ore of domestic origin at Deming, New Mexico, for the fiscal years 1952–1956, as authorized by the Defense Production Administration on June 20, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ore for the Government. In accordance with the Program set forth herein, the Administrator will buy domestically produced manganese ore containing not less than 15 percent manganese, in accordance with the specifications contained in this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depot of the Government at Deming, New Mexico.

(d) "Manganese ore" means crude ore containing not less than 15 percent manganese, mined in the United States, its Territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Any person may participate in the Program by notice given to the General Services Administration Regional Office, Building 41, Denver Federal Center, Denver, Colorado, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1953. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to the depot. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese ore meeting minimum specifications.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under the Program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled and assayed by the Government at the depot and payment on an estimated recovery basis will be made in accordance with the analysis of such sample and as provided in section 6 of this regulation. Deliveries not conforming to the minimum specifications will be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depot and accepted by the Government under this Program, or at the close of business June 30, 1956, whichever first occurs.

SEC. 6. *Price schedule for ores.* (a) The following prices per long dry ton will be paid for manganese ore delivered f. o. b. depot. Where the fractional manganese content is 0.5 percent or below, payment will be made as though no fractional content were involved. Where such fractional content is 0.51 percent or above, payment will be made at the next higher figure.

Percent Mn in ore:	*To be paid for 1 long dry ton*
15	88.54
16	10.24
17	12.00
18	13.71
19	15.48
20	17.20
21	19.13
22	21.06
23	23.05
24	24.99
25	26.94
26	29.64
27	32.40
28	35.11
29	37.88
30	40.60
31	44.73
32	46.86
33	50.00
34	53.14
35	56.29
36	60.74
37	65.15
38	69.61
39	74.03
40 fines	78.00
40 ore	88.00

The above price schedule applies to lots received from individual shippers aggregating less than 200 tons during any 30-day period, and shall constitute the final and definite price for such lots.

(b) For lots received from individual shippers aggregating 200 tons or more

during any 30-day period, the above price schedule shall serve as a basis for preliminary settlement pending laboratory tests. The preliminary settlement shall be adjusted up or down, as the case may be, as a result of tests for laboratory-determined recoverability. Final settlement shall be calculated on the basis of $2.30 per long ton unit of manganese determined from the laboratory tests to be recoverable from the ore, subject to a charge of $10 per ton of ore (the estimated cost of sampling, milling, and handling) and to the specifications, premiums, and penalties set forth below.

SPECIFICATIONS

	Percent
Manganese	48.0
Iron	6.0
Silica plus alumina	11.0
Phosphorus	.12

PREMIUMS

Manganese content above 48.0 percent (dry basis): ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis): ½ cent for each 1.0 percent.

PENALTIES

Manganese content below 48.0 percent (dry basis): 1 cent for each 1.0 percent, down to and including 44.0 percent. Below 44.0 percent: 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis): 1 cent for each 1.0 percent, up to and including 8.0 percent. Above 8.0 percent; 2 cents plus ¾ cent for each 1.0 percent up to 16 percent maximum. Silica plus alumina content above 11.0 percent (dry basis): 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis): ½ cent for each 0.01 percent up to 0.3 percent maximum.

The Government will reject any lot which, on the basis of the laboratory testing, cannot be beneficiated to a product the chemical analysis of which falls within the following limits in all respects. The Government reserves the right to dispense with laboratory testing of shipments aggregating less than 200 tons over a 30-day period.

	By weight (dry basis) (percent)	
Manganese (Mn)	40.0	minimum.
Iron (Fe)	16.0	maximum.
Silica plus alumina (SiO_2 plus Al_2O_3)	15.0	maximum.
Phosphorus (P)	0.30	maximum.
Copper plus lead plus zinc (Cu plus Pb plus Zn). Of which not more than 0.25 percent may be copper	1.00	maximum.

SEC. 7. *Ores containing lead and zinc in excess of the allowable maximum.* Ores containing lead and zinc exceeding the maximum percentage allowed by section 6 of this regulation shall be accepted and purchased under this program, provided that such ores are amenable to nodulization, and as a result of nodulization the contained lead and zinc of the ores will be reduced to the maximum percentage allowed by section 6 of this regulation. Such ores shall be subject to a charge of $2.25 per long dry ton to cover the cost of nodulization.

This regulation, as amended and revised, shall be effective as of May 29, 1952.

Dated: September 19, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-10396; Filed, Sept. 22, 1952; 11:02 a. m.]

[Amdt. 1]

MANGANESE REGULATIONS: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT WENDEN, ARIZONA

Pursuant to the authority vested in me by the Defense Materials Procurement Administrator (Delegation No. 13, June 27, 1952), this regulation is amended by adding a new section 7, reading as follows:

SEC. 7. *Ores containing lead and zinc in excess of the allowable maximum.* Ores containing lead and zinc exceeding the maximum percentage allowed by section 6 of this regulation shall be accepted and purchased under this program, provided that such ores are amenable to nodulization, and as a result of nodulization the contained lead and zinc of the ores will be reduced to the maximum percentage allowed by section 6 of this regulation. Such ores shall be subject to a charge of $2.25 per long dry ton to cover the cost of nodulization. All provisions of this regulation not inconsistent herewith shall apply to this section.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154, Interprets or applies sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093, E. O. 10161, 15 F. R. 6105; E. O. 10281, 16 F. R. 8789)

This amendment shall be effective as of the date hereof.

Dated: September 19, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-10397; Filed, Sept. 22, 1952; 11:03 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 17 to Schedule B]

[Rent Regulation 2, Amdt. 18 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

ILLINOIS

Effective September 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. A new item 62 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

62. *Provisions relating to Cook County, Illinois, a portion of the Chicago Defense-Rental Area (Item 83 of Schedule A):*

With respect to housing accommodations in Cook County, Illinois, a portion of the Chicago Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increase in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Cook County, Illinois, a portion of the Chicago Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this Item 62 of Schedule B.

2. A new item 68 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

68. *Provisions relating to Cook County, Illinois, a portion of the Chicago Defense-Rental Area (Item 83 of Schedule A):*

With respect to housing accommodations in Cook County, Illinois, a portion of the Chicago Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Cook County, Illinois, a portion of the Chicago Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this Item 68 of Schedule B.

[F. R. Doc. 52-10410; Filed, Sept. 22, 1952; 12:14 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MALLETTS BAY, LAKE CHAMPLAIN, VERMONT

Pursuant to the provisions of section 1 of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.8 is hereby prescribed establishing a special anchorage area, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, in Malletts Bay, Lake Champlain, Vermont, as follows:

§ 202.8 *Malletts Bay, Lake Champlain, Vt.* The southwesterly portion of Malletts Bay, south of Coates Island and west of a line bearing 213° true, from the most southerly point of Coates Island to the mainland.

[Regs. Sept. 5, 1952, § 800.212 (Malletts Bay, Vt.)—ENGWO] (54 Stat. 150; 33 U. S. C. 180)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10332; Filed, Sept. 22, 1952; 8:49 a. m.]

PART 203—BRIDGE REGULATIONS

NAVIGABLE WATERS OF STATE OF NEW JERSEY; BRIDGES WHERE CONSTANT ATTENDANCE OF DRAW TENDERS IS NOT REQUIRED

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.225 (f) is hereby amended to include in subparagraph (3) the Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street, across the Elizabeth River in the City of Elizabeth, New Jersey, and revocation of subparagraph (4) and redesignation of subparagraph (3-a) as subparagraph (4), as follows:

§ 203.225 *Navigable waters of the State of New Jersey; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * *

(3) Elizabeth River; The Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street, in the City of Elizabeth. The draws need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) inclusive, of this section shall not apply to these bridges.

(3-a) Woodbridge Creek; * * * [This subparagraph redesignated subparagraph (4).]

(4) Shrewsbury River (South Branch) * * * [Revoked]

* * * * *

[Regs. Sept. 8, 1952, 823.01—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10331; Filed, Sept. 22, 1952; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—DISBURSEMENTS AND ACCOUNTS

RECOVERED MONEYS; TRANSMITTAL TO DEPARTMENT

In § 17.19 *Recovered moneys* amend paragraph (a) to read as folows:

(a) *Transmittal to Department.* All moneys recovered from mail robbers or other offenders against the postal laws, and moneys recovered by suit, or otherwise on account of moneys taken from the mail or losses therein shall be forwarded at once to the Chief Post Office Inspector, who shall deposit the same daily with the Bureau of Finance: *Provided*, That moneys received on the last work day of any month shall be deposited on the following work day.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-10316; Filed, Sept. 22, 1952; 8:47 a. m.]

PART 117—PROHIBITED IMPORTATIONS

MISCELLANEOUS AMENDMENTS

a. In § 117.1 *Articles prohibited importation by copyright law* amend paragraphs (a), (b), and (c) to read as follows:

(a) *Treatment of.* The joint regulations governing the treatment of dutiable and supposed dutiable articles received in the mails from foreign countries (see Part 116 of this chapter) shall govern also in the treatment of articles which contain or which are supposed to contain matter prohibited importation by sections 106 to 109, inclusive, Title 17, United States Code, except as hereinafter modified.

(b) *Unsealed matter.* Unsealed correspondence and packages (registered and unregistered) of all kinds which, upon examination, prove to contain articles prohibited importation by the copyright act shall be retained by customs officers, who will notify the addressee of the facts of the case. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the customs officers shall take appropriate steps to forfeit the articles, as provided in section 108, Title 17, United States Code.

(c) *Sealed matter.* Sealed articles supposed to contain matter prohibited importation by the copyright act shall be appropriately marked to indicate that fact at the exchange office of receipt. The same conditions shall apply in regard to the marking, opening, and disposition of such sealed articles by the addressee or authorized agent as are required in the case of the opening and treatment of sealed "supposed liable to customs duty" pieces. If the customs officer finds an article contains matter prohibited importation by the copyright act, he shall notify the addressee of the facts through the postmaster at the office of delivery. If an application is not then made within a reasonable time to the Secretary of the Treasury for permission to return the article to the country of export, the customs officer shall take appropriate steps to forfeit the matter, as provided in section 108, Title 17, United States Code.

b. In § 117.2 *Other matter prohibited importation* rescind paragraph (c), and amend paragraph (b) to read as follows:

(b) *Examination of foreign mails—(1) Endorsement of sealed letters.* All mails of foreign origin shall be examined at the office of first receipt for the presence of matter prohibited importation. When it is believed that such matter is contained in sealed letters (in their usual and ordinary form) which do not bear an endorsement indicating that they may be officially opened, the letters shall be stamped or endorsed "Supposed to contain matter prohibited importation. See sec. 117.2, P. L. & R.," and forwarded at once to the post office of destination. Postmasters at offices of delivery shall also examine foreign mails in order to insure the proper treatment of any letters (in their usual and ordinary form) believed to contain prohibited matter which have escaped endorsement. Upon discovery, such letters shall be stamped or endorsed as prescribed above and treated in accordance with subparagraph (2) of this paragraph.

NOTE: Mail matter from foreign countries in transit through the United States shall not be subject to the endorsement quoted above.

(2) *Examination and disposition at delivery office.* When a letter endorsed "Supposed to contain matter prohibited importation. See sec. 117.2, P. L. & R." is received at the office of delivery, the postmaster shall notify the addressee to appear and open the letter in the presence of the postmaster, or furnish written authority whereby the letter may be opened (the postmaster may be designated to act for the addressee). In the case of registered mail, the receipt of the addressee or his authorized agent shall be obtained. Letters found to contain lottery matter shall be forwarded daily to the post office inspector in charge of the division in which the office of address is located. Letters found to contain contraceptive matter shall be transmitted to the Solicitor for instructions as to the disposition. In the event the addressee fails to appear or respond to the notification within 30 days, the letter shall be treated as undeliverable and disposed of in accordance with § 114.26 of this chapter.

c. Add the following new section to Part 117:

§ 117.3 *Gold imports.* The transportation in the regular mails or parcel post from any foreign country into the United States of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $50, is prohibited.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-10315; Filed, Sept. 22, 1952; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 865]

MONTANA

PARTIAL REVOCATION OF THE EXECUTIVE ORDER OF AUGUST 5, 1878

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. The Executive order of August 5, 1878, reserving certain public lands as an addition to the United States Military Reservation at Fort Missoula, Montana, is hereby revoked so far as it affects the following-described lands:

PRINCIPAL MERIDIAN

T. 13 N., R. 19 W.,
Sec. 30, SE¼NE¼ and SE¼SE¼.
T. 13 N., R. 20 W.,
Sec. 25, S½SE¼.

The areas described aggregate 160 acres.

2. The described lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II and others entitled to preference.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10305; Filed, Sept. 22, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

MISCELLANEOUS AMENDMENTS

1. Section 505.1 is hereby amended to read as follows:

§ 505.1 *Claim defined.* (a) A properly completed and executed application made on an official form provided by the Commission for such purpose constitutes a claim and will be adjudicated under laws administered by the Commission.

(b) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of sections 5 (a) through (e), 6 and 7 (a) of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within six months from the date it was transmitted for execution, the claim will be disallowed.

(c) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of section 7 (b) and (c) of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within two months from the date it was transmitted for execution, the claim will be disallowed.

2. Section 505.6 is hereby amended to read as follows:

§ 505.6 *Documents to accompany forms.* (a) All claims filed pursuant to the provisions of sections 5 (a) through (e), 6 and 7 (a) of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany each type of official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within six months following the date of request, the claim may be deemed to have been abandoned and be disallowed.

(b) All claims filed pursuant to the provisions of sections 7 (b) and (c) of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany the official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within one month following the date of request, the claim may be deemed to have been abandoned and be disallowed.

3. Section 505.7 is hereby amended to read as follows:

§ 505.7 *Language for forms and documents.* Official forms shall be prepared in accordance with the instructions which accompany each type of official form and in the English language, but evidentiary documents, instruments or records, or authenticated copies thereof, shall be submitted in the language in which originally written.

4. Section 505.8 is hereby added to read as follows:

§ 505.8 *Receipt of claims*—(a) *Claims deemed received.* A claim shall be deemed to have been received by the Commission on the date postmarked, if mailed, or if delivery is made in person, on the date when delivered, either at the office of the Commission in Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf.

(b) *Claims developed.* In the event that a claim has been so prepared as to preclude adjudication thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official form, as may be essential to the adjudication thereof. If the evidence or official form requested is not received within the time limitations set forth in §§ 505.1 and 505.6 the claim may be deemed to have been abandoned and be disallowed.

5. Section 505.9 is hereby added to read as follows:

§ 505.9 *Failure to note change of address.* If any communication mailed to the claimant at the last address furnished to the Commission is returned unclaimed, the claim may be disallowed for failure of the claimant to keep the Commission informed of current address. Such claims shall thereupon be sent to the closed files.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10329; Filed, Sept. 22, 1952; 8:40 a. m.]

PART 508—PAYMENT

LIVING PRISONERS OF WAR OR LIVING CIVILIAN AMERICAN CITIZENS

Paragraph (a) of § 508.2 which appears at 14 F. R. 7846, December 30, 1949, and which now reads as follows: "*Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits will be certified to the Treasurer of the United States for payment to the person entitled thereto or to his legal or natural guardian," is hereby corrected to read as follows:

§ 508.2 *Payments under the War Claims Act*—(a) *Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits will be certified to the Secretary of the Treasury for payment to the person entitled thereto or to his legal or natural guardian.

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10328; Filed, Sept. 22, 1952; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 890]

PART 95—CAR SERVICE

RESTRICTIONS ON MOVEMENT OF UNBILLED BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of September A. D. 1952.

It appearing that due to a prospective stoppage in the production of bituminous coal, the Defense Solid Fuels Administrator has ordered that no bituminous coal shipper shall bill, consign, release or otherwise dispose of bituminous coal which may be on mine tracks; hold tracks; assigned tracks; in classification or assembly yards between mines and scales; the railroad scales; or at any other facility for shipment via railroads; that the Defense Solid Fuels Administrator has represented that a preference or priority is necessary in the transportation of bituminous coal for essential civilian needs and for the military programs in support of national security; that the Defense Transport Administration has made representations to this Commission regarding an impending emergency with respect to coal transportation and has recommended that this Commission take action; the Commission is of the opinion that an emergency requiring immediate action exists: It is ordered, that:

§ 95.890 *Restrictions on movement of unbilled bituminous coal.* (a) No common carrier by railroad, subject to the Interstate Commerce Act, serving any bituminous coal mine, or mines, which have ceased operation due to work stoppage, shall transport cars loaded with bituminous coal from such mines; from scales; from hold points; from classification or assembly yards between mines and scales; from any designated mine tracks or designated mine sidings; or hold points; which coal was not billed prior to 12:01 a. m., September 22, 1952, unless and until the shipper furnishes to the originating carrier shipping instructions containing a certification that such shipment is made pursuant to the terms of Solid Fuels Order No. 3, issued by the Defense Solid Fuels Administration, Department of Interior, Washington 25, D. C. The waybill or shipping instructions shall show reference to the number of the directive issued by Defense Solid Fuels Administration.

(b) Application: This section shall apply to intrastate and foreign shipments as well as interstate traffic.

(c) Rules, regulations and practices suspended: The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(d) Effective date: This section shall become effective at 12:01 a. m., September 22, 1952.

(e) Expiration date: This section shall expire at 11:59 p. m., November 22, 1952.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10324; Filed, Sept. 22, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, 61]

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES FOR SCHEDULED AND IRREGULAR PASSENGER AIR CARRIER OPERATIONS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

Reference should be made to the notice of proposed rule making published in the FEDERAL REGISTER on September 4, 1952 (17 F. R. 8022).

The original notice of proposed rule making, setting forth the text of proposed amendments to Parts 41, 42, 61, and the proposed revised Part 40 of the Civil Air Regulations entitled "Emergency and Evacuation Equipment and Procedures for Scheduled and Irregular Passenger Air Carrier Operations," due to clerical error stated that all communications received by September 29, 1952, would be considered by the Board before taking action on the proposed rules.

As interested parties have specifically requested that this deadline be extended to allow the full thirty-day period for the return of comments on this proposal, the Board hereby extends the final date for return of comment until October 6, 1952. All comment received by this date will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after October 8, 1952, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Dated: September 16, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-10330; Filed, Sept. 22, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[MC-C-1]

REVISION OF ZONE BOUNDARY OF ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 18, 1952.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, it is proposed to modify the presently defined limits of such zone, as set forth in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 1 M.C.C. 656, 2 M. C. C. 285 (49 CFR 170.3), as hereinafter indicated, and to revise 49 CFR 170.3 (a) to read as follows:

§ 170.3 *St. Louis, Mo.-East St. Louis, Ill.* (a) For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of St. Louis, Mo., and East St. Louis, Ill., in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203 (b) (8) of the act, is hereby determined to include, and to be comprised of the area within the corporate limits of St. Louis, Mo.; that part of St. Louis County, Mo., (1) north of a line beginning at the Jefferson Barracks Bridge across the Mississippi River and extending westerly along Missouri Highway 77 to junction U. S. Highway 61 and thence along U. S. Highway 61 to junction U. S. Highway 66, (2) east of a line beginning at junction U. S. Highways 61 and 66 and extending northerly along U. S. Highway 66 (Lindbergh Boulevard) to the southern boundary of Kirkwood, Mo., thence along the southern, western, and northern boundaries of Kirkwood to the western boundary of Huntleigh, Mo., thence along the western and northern boundaries of Huntleigh to junction U. S. Highway 66, thence in a northerly direction along U. S. Highway 66 (Lindbergh Boulevard) to junction Natural Bridge Road, and (3) south of a line beginning

at the junction U. S. Highway 66 and Natural Bridge Road and extending in an easterly direction along U. S. Highway 66 to the western boundary of St. Ferdinand (Florissant), Mo., thence along the western, northern, and eastern boundaries of St. Ferdinand to junction U. S. Highway 66, and thence along U. S. Highway 66 (Taylor Road) to the corporate limits of St. Louis (near Chain of Rocks Bridge); and the area within the corporate limits of East St. Louis, Nameoki, Granite City, Madison, Venice, Brooklyn National City, Fairmont City, Washington Park, and Monsanto, Ill.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the said boundary of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. The original and five copies of such submission shall be filed with the Commission on or before October 31, 1952.

Notice to the general public of the action herein shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10325; Filed, Sept. 22, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Commissioner's Reorganization Order No. NYC-3]

DISTRICT COMMISSIONER FOR NEW YORK CITY DISTRICT AND DIRECTOR OF INTERNAL REVENUE, UPPER MANHATTAN

TERMINATION OF CERTAIN INTERIM AUTHORITY

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. Effective as of the date of the establishment of the office of District Commissioner for the Buffalo District, the authority vested in the District Commissioner for the New York City District and the Director of Internal Revenue, Upper Manhattan, by Commissioner's Reorganization Order No. NYC-2, dated June 23, 1952, shall be, and the same is hereby terminated with respect to the territory comprising the Buffalo District.

2. Effective as of the date of the establishment of the office of District Commissioner for the District which shall include the territory now comprising the Fifth Collection District of New Jersey, the authority vested in the District Commissioner for the New York City District by Commissioner's Reorganization Order No. NYC-2, dated June 23, 1952, shall be, and the same is hereby terminated with respect to the territory comprising such Fifth Collection District of New Jersey.

3. Commissioner's Reorganization Order No. NYC-2 is hereby modified accordingly.

[SEAL] JOHN B. DUNLAP, *Commissioner.*

[F. R. Doc. 52-10326; Filed, Sept. 22, 1952; 8:48 a. m.]

Office of the Secretary

[Treasury Department Order 150-7]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

In the matter of Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Fourteenth, Twenty-first, and Twenty-eighth Collection Districts of New York; establishment of offices of District Commissioner and Directors of Internal Revenue; extension of area of New York City District and Third Collection District in State of New York.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 3650 (a) of the Internal Revenue Code and Executive Order 10289, dated September 19, 1951, it is ordered as follows:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Fourteenth, Twenty-first, and Twenty-eighth Collection Districts of New York shall become effective as of 12 o'clock midnight, September 21, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., September 22, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Buffalo District, and which shall be comprised of the territory presently comprising the Fourteenth, Twenty-first, and Twenty-eighth Internal Revenue Collection Districts of New York, with the exception of the territories known as the Counties of Bronx, Rockland, and Westchester.

3. *Location of headquarters.* The headquarters office shall be located in Buffalo, New York.

4. *Extension of area of New York City District.* Effective as of January 1, 1953, the territories known as the Counties of Bronx, Rockland, and Westchester, within the State of New York, shall be, and they are hereby, attached to and made a part of the New York City District, established by Treasury Department Order No. 150-4, dated June 23, 1952, for all purposes authorized by the internal revenue laws of the United States.

5. *Bronx, Rockland, and Westchester Counties transferred to Third Collection District of New York.* Effective as of January 1, 1953, the territories known as the Counties of Bronx, Rockland, and Westchester, now comprising a part of the Fourteenth Internal Revenue Collection District of New York, shall be, and they are hereby, transferred to and made a part of the Third Internal Revenue Collection District of New York for all purposes authorized by the internal revenue laws of the United States.

6. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., September 22, 1952, there are hereby created the following offices within the Buffalo District:

(a) Director of Internal Revenue for the Fourteenth Collection District of New York (as presently constituted). The headquarters of such office shall be located in Albany, New York, and the office shall have the operating title of Director of Internal Revenue, Albany.

(b) Director of Internal Revenue for the Twenty-first Collection District of New York (as presently constituted). The headquarters of such office shall be located in Syracuse, New York, and the office shall have the operating title of Director of Internal Revenue, Syracuse.

(c) Director of Internal Revenue for the Twenty-eighth Collection District of New York (as presently constituted). The headquarters of such office shall be located in Buffalo, New York, and the office shall have the operating title of Director of Internal Revenue, Buffalo.

Dated: September 17, 1952.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

[F. R. Doc. 52-10327; Filed, Sept. 22, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. 724]

CONTRACT RATES, NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE, ET AL.

NOTICE OF HEARING AND PREHEARING CONFERENCE

Notice is hereby given that a hearing will be held before an examiner of the Federal Maritime Board at a time and place hereafter to be determined concerning investigation on the Board's motion of a proposal of the North Atlantic Continental Freight Conference to initiate a system of dual rates under which a differential of ten percent is allowed shippers who enter into contracts to patronize members of the Conference exclusively.

Notice is also given that a prehearing conference will be held before said Examiner, on September 29, 1952, at 10:00 a. m., in Room 4821, Commerce Building, Washington, D. C., under § 201.59 of the Board's Rules of Procedure, for the purpose of considering:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

At the prehearing conference a date will be set for the hearing to receive evidence to determine whether the differential in rates of the proposed system is arbitrary and unreasonable and whether the proposed system of dual rates is unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States or is in violation of the act.

The hearing to receive such evidence will be conducted in conformity with the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in the proceeding should notify the Board on or before September 29, 1952, and should promptly file a petition for leave to intervene in accordance with § 201.81 of the rules.

Dated: September 22, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-10406; Filed, Sept. 22, 1952; 11:17 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4979]

CARIBBEAN ATLANTIC AIRLINES, INC.; CERTIFICATE RENEWAL CASE, CIUDAD TRUJILLO–SAN JUAN ROUTE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Caribbean Atlantic Airlines, Inc., for a permanent or temporary certificate of public convenience and necessity.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 16, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 18, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-10343; Filed, Sept. 22, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2045]

PERMIAN OIL AND GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1952.

Take notice that The Permian Oil and Gas Company (Applicant), an Ohio corporation having its principal place of business at the First National Bank Building, Marietta, Ohio, filed on September 8, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the purchase, transportation and sale of natural gas as hereinafter described.

The Commission in Opinion No. 231, issued July 3, 1952, in Docket No. G-1693, authorized and directed Texas Eastern Transmission Corporation (Texas Eastern), in paragraph (3) of its orders, to reserve not to exceed 300 Mcf of natural gas a day for Applicant. This reservation was conditioned upon Applicant receiving the necessary authorization from the Commission on or before November 1, 1952. Applicant proposes to purchase not to exceed 300 Mcf of natural gas a day from Texas Eastern and to transport and sell this gas to its customers in the villages of Caldwell, Dexter City, Macksburg, Elba, Dudley, Olive and South Olive, all in Ohio, and the outlying and intermediate districts thereof. Applicant states that this volume of gas is necessary to supplement its existing supply in local wells which have become depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10321; Filed, Sept. 22, 1952; 8:47 a. m.]

[Docket No. G-2046]

TENNESSEE GAS PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1952.

Take notice that Tennessee Gas Pipe Line Company (Applicant), a Tennessee corporation having its principal place of business at Murfreesboro, Tennessee, filed on September 10, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a natural-gas transmission pipeline approximately 12 miles in length extending from the City of Murfreesboro, Tennessee, to the nearest point of connection on the pipeline of Texas Eastern Transmission Corporation (Texas Eastern) in Tennessee.

By means of the proposed facilities Applicant proposes to transport natural gas for the account of Tennessee Gas Company, an affiliate, to the City of Murfreesboro where it will be delivered to Tennessee Gas Company for distribution to ultimate consumers.

The total over-all estimated cost of construction of the facilities in Docket No. G-2046 is $200,000, of which two thirds will be financed by the sale of bonds and the remainder through sale of equity securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10322; Filed, Sept. 22, 1952; 8:47 a. m.]

[Project No. 1443]

BREITENBUSH HOT SPRINGS, INC., AND E. C. KENNEDY

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

SEPTEMBER 17, 1952.

Notice is hereby given that on August 14, 1952, the Federal Power Commission issued its order entered August 12, 1952, approving transfer of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10312; Filed, Sept. 22, 1952; 8:46 a. m.]

[Project No. 1650]

HAVEN W. JORGENSEN

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

SEPTEMBER 17, 1952.

Notice is hereby given that on August 25, 1952, the Federal Power Commission issued its order entered August 21, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10313; Filed, Sept. 22, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27405]

RUBBER TIRES FROM BAYWAY, N. J., AND CARLISLE, PA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff ICC No. A-911.

Commodities involved: Tires, rubber, pneumatic and parts, carloads.

From: Bayway, N. J., and Carlisle, Pa.
To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, ICC No. A-911, supl. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10281; Filed, Sept. 19, 1952; 8:48 a. m.]

[4th Sec. Application 27406]

POTATOES FROM MAINE TO NEW JERSEY AND PENNSYLVANIA

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff ICC No. 611.

Commodities involved: Potatoes, carloads.

From: Maine.

To: Points in New Jersey and Pennsylvania.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: I. N. Doe, Agent, ICC No. 611, supl. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10282; Filed, Sept. 19, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-198, 59-98]

INVESTMENT BOND AND SHARE CORP. ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES, DISMISSING PROCEEDING AND DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

SEPTEMBER 17, 1952.

In the matter of Investment Bond and Share Corporation, and its subsidiaries, and William J. Walsh, Edwin Joseph Smail, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Smail, Edwin W. Smail, Barbara S. Johnson, Wallace D. Johnson, and Baker, Walsh & Co., respondents, File No. 59-98; and Investment Bond and Share Corporation, and its subsidiaries, File No. 54-198.

The Commission by order dated July 11, 1952, having, among other things, approved a plan of liquidation of Investment Bond and Share Corporation ("IBS") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and having reserved jurisdiction with respect to the payment of all fees and expenses incurred and having continued jurisdiction with respect to the proceedings instituted by the Commission pursuant to section 11 (b) and other sections of the act:

IBS and the other respondents having filed (1) a notification pursuant to Rule U-24 certifying that said plan of liquidation and other proposals have been consummated in accordance with the provisions of said plan and related proposals, (2) an application requesting approval of fees and expenses aggregating $38,006, including counsel fees of $30,000 payable to Dallstream, Schiff, Stern & Hardin, counsel to IBS, and $1,180 payable to Arthur Young & Company for accounting services, (3) requesting a dismissal of the proceeding instituted by the Commission pursuant to section 11 (b) of the act, among others, as to all respondents named therein and listed above, and (4) requesting an order declaring that IBS has ceased to be a holding company under the act;

Notice of such filing having been given and a hearing not having been requested or ordered;

The Commission finding that said plan of liquidation and other proposals have been consummated in accordance with the provisions thereof, that said fees and expenses in the amounts requested are not unreasonable, that the proceeding instituted by the Commission pursuant to section 11 (b) and other sections of the act should be dismissed and that IBS has ceased to be a holding company:

It is therefore ordered, That jurisdiction is hereby released with respect to the payment of the fees and expenses in the amount of but no more than the sums requested.

It is further ordered, That the proceeding herein instituted by the Commission pursuant to section 11 (b) and other sections of the act is hereby dismissed as to all respondents.

It is further ordered, That IBS has ceased to be a holding company under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10317; Filed, Sept. 22, 1952; 8:47 a. m.]

[File No. 70-2905]

POTOMAC EDISON CO. AND POTOMAC LIGHT AND POWER CO.

ORDER PERMITTING PARENT COMPANY TO ACQUIRE COMMON STOCK FROM A SUBSIDIARY COMPANY

SEPTEMBER 17, 1950.

The Potomac Edison Company ("Potomac Edison"), a registered holding company, and its direct and wholly-owned public utility subsidiary, Potomac Light and Power Company ("Potomac Light"), have filed a joint application-declaration, and an amendment thereto, pursuant to sections 6, 7, 9, 10, and 12 of the act and Rules U-43 and U-44 promulgated thereunder with regard to certain transactions as follows:

Potomac Light proposes to issue and sell for cash 5,685 shares of its common stock to Potomac Edison at a price equal to the par value thereof of $100 per share, or a total consideration of $568,500.

Potomac Light proposes to use the proceeds from the sale of such shares for construction purposes. Potomac Edison states that it has in its treasury sufficient funds to purchase such shares without resorting to additional financing and that it will pledge such shares as collateral security for its First Mortgage and Collateral Trust Bonds, pursuant to the terms of the Trust Indenture, dated October 1, 1944, between Potomac Edison and Chemical Bank and Trust Company (New York) as Trustee.

It is represented in the filing that the above described transactions have been approved by the Public Service Commission of Maryland and the Public Service Commission of West Virginia to the extent that such transactions are subject to the jurisdiction of those Commissions, the filing containing copies of orders adopted by those Commissions.

It is requested that the Commission's order herein become effective upon issuance.

Said application-declaration, and an amendment thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said application-

declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10318; Filed, Sept. 22, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19011]

KAROLINA ESSKUCHEN MÜLLER

In re: Rights of Karolina Esskuchen Müller under insurance contract. File No. F-28-31839-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Karolina Esskuchen Müller, whose last known address is 22b Nerzweiler, Pfalz, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4410 108 issued by The Mutual Life Insurance Company of New York, New York, New York, to Karolina Esskuchen Müller, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Charles Skambea and Katherinela Skambea, residents of the United States, and the aforesaid Mutual Life Insurance Company of New York, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karolina Esskuchen Müller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-10333; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19012]

ENNO BRACKLO

In re: Rights of Enno Bracklo under insurance contracts. Files Nos. F-28-26719-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Enno Bracklo, whose last known address is Muenchen 9 Geiselgasteig, Gabriel von Seidlstrasse 40, Germany, is a citizen of Germany who, on or since December 11, 1941, and prior to January 1, 1947, has been acting or purporting to act directly or indirectly for the benefit or on behalf of Germany, and is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 207292 and 207293 issued by the West Coast Life Insurance Company, San Francisco, California, to Enno Bracklo, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Enno Bracklo, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That Enno Bracklo is and prior to January 1, 1947 was controlled by or acting for or on behalf of a designated enemy country (Germany) and is and prior to January 1, 1947 was a national of a designated enemy country (Germany);

4. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-10334; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19013]

MARY E. GEUSSENHAINER

In re: Estate of Mary E. Geussenhainer, deceased. F 28-31953.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Mary E. Geussenhainer, deceased, including, but not limited to: Maria Geussenhainer, also known as Maria Franziska Geussenhainer; Edwin Geussenhainer, also known as Edwin Josef Johann Geussenhainer; Wilhelm Geussenhainer, also known as Wilhelm Harald Hans Geussenhainer; domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Wilhelm Geussenhainer, also known as Wilhelm Harald Hans Geussenhainer; Karl Geussenhainer, also known as Karl Francis Geussenhainer, also known as Carl Francis Geussenhainer; domiciliary per-

sonal representatives, heirs, next of kin, devisees, legatees and distributees of Karl Geussenhainer, also known as Karl Francis Geussenhainer, also known as Carl Francis Geussenhainer; Luise Elfriede Minna Geussenhainer, nee Eitner; Ursula Marie Helene Geussenhainer; Karin Anni Geussenhainer; Friedrick Geussenhainer, also known as Friedrich Rudolf Geussenhainer; and domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Friedrick Geussenhainer, also known as Friedrich Rudolf Geussenhainer; whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Mary E. Geussenhainer, deceased, which is in the process of administration by Albert C. Neufeld, Successor Administrator, acting under the judicial supervision of the County Court, Outagamie County, Wisconsin, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10335; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19014]

HANS ADOLF OSKAR WILHELM DIECKMANN ET AL.

In re: Rights of Hans Oskar Adolf Wilhelm Dieckmann and others under insurance contracts. Files Nos. F-28-5752-H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Oskar Adolf Wilhelm Dieckmann and Paula Dieckmann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, have been acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Germany) and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hans Oskar Adolf Wilhelm Dieckmann and Paula Dieckmann, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 1021129 and 1021130 issued by the Occidental Life Insurance Company of California, Los Angeles, California, to Hans Oskar Adolf Wilhelm Dieckmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Occidental Life Insurance Company of California, together with the right to demand, receive and collect same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That on or since December 11, 1941, and prior to January 1, 1947, said Hans Oskar Adolf Wilhelm Dieckmann and Paula Dieckmann were controlled by or acting for or on behalf of a designated enemy country (Germany) and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10336; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19015]

MARGARETHE WILHELMINE FRANZISKA ARKENBERG ET AL.

In re: Securities owned by and debt owing to Margarethe Wilhelmine Franziska Arkenberg, and others. F-28-13376.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Margarethe Wilhelmine Franziska Arkenberg, 36 Osterstrasse, Hameln on the Weser, Germany;

Wilhelm Heinrich Georg Arkenberg, 38 Langestrasse, Wunstdorf, Germany;

Albert Heinrich Hermann Arkenberg, 38 Langestrasse, Wunstdorf, Germany;

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Fritz Adolf Arkenberg, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Ten (10) shares of stock of Anderson Hotel Company, 1369 E. Hyde Park Blvd., Chicago, Ill., evidenced by certificate numbered 16, said certificate registered in the name of Kony Arkenberg, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Mrs. Helene Schrader, 3648 North Avers Avenue, Chicago, Illinois in the amount of $126.00, as of March 18, 1952, arising out of a portion of dividends received on the stock described in subparagraph 3a above, together with any and all accruals to the aforesaid debt or other

obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 and referred to in subparagraph 2 hereof, be treated as persons who are and prior to Jauary 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10337; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19017]

GERDA RAEDER

In re: Debt owing to Gerda Raeder, F-28-31946-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gerda Raeder, whose last known address is Briesenerstrasse 1, Koenigsberg/Pr, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Arno P. Mowitz, 1420 Walnut Street, Philadelphia 2, Pennsylvania, arising out of funds received in behalf of Miss Gerda Raeder, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerda Raeder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10339; Filed, Sept. 22, 1952; 8:50 a. m.]

[Vesting Order 18997, Amdt.]

HERBERT SEEBER ET AL.

In re: Securities owned by Herbert Seeber and others.

Vesting Order 18997, dated August 28, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That Herbert Seeber, whose last known address is Lauda, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That Bankhaus Cl. Harlacher, the last known address of which is Frankfurt Main, Germany, and Commerzbank A. G., the last known address of which is Frankfurt Main, Germany, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Three (3) 5 percent, 50 year Gold Brazil Railway Company Debentures of $500 face value each, said bonds numbered B10200/1 and B10199, presently in the custody of the Attorney General of the United States and owned by Herbert Seeber, together with any and all rights thereunder and thereto,

b. One (1) 5 percent, 50 year Gold Brazil Railway Company Debenture of $500 face value, numbered B11536, presently in the custody of the Attorney General of the United States and owned by the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, together with any and all rights thereunder and thereto.

c. Two (2) First Mortgage Collateral Trust 6 percent, 10 year Gold Coupon Yukon Milling, Dredging and Power Company Bonds, said bonds numbered 9538 and 9539, presently in the custody of the Attorney General of the United States and owned by Bankhaus Cl. Harlacher, together with any and all rights thereunder and thereto, and

d. Seventeen hundred (1700) shares of $1.00 par value capital stock of the Gold Belt Development & Reduction Company, evidenced by certificate numbered 484, registered in the name of A. Lotichins, and certificate numbered 1505, registered in the name of August and Dr. Alfred Lotichins, said certificates presently in the custody of the Attorney General of the United States and owned by Commerzbank, A. G., together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 3, and referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10340; Filed, Sept. 22, 1952; 8:50 a. m.]

LORENZO FASSIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Lorenzo Fassio, Asti, Italy; Claim No. 39875; $8,128.79 in the Treasury of the United States.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10341; Filed, Sept. 22, 1952; 8:50 a. m.]

CAROLINA HEINZEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Carolina Heinzel, Burgenland, Austria, Claim No. 40141; $54.94 in the Treasury of the United States.

Edward Zorka, Michael Zorka, Sr., Michael Zorka, Jr., Maria Robisek, Franz Zorka and Johann Zorka, Burgenland, Austria; Claims Nos. 42390, 42391, 42392, 42393, 42394, 42395, respectively; $54.94 in the Treasury of the United States. Michael Zorka, Sr., is entitled to one-fourth of the property and Edward Zorka, Michael Zorka, Jr., Maria Robisek, Franz Zorka and Johann Zorka are each entitled to three-twentieths of the property.

Frank Tury, Burgenland, Austria; Claim No. 44991; $54.94 in the Treasury of the United States.

Rosa Bischoff nee Graf, Berta Heschl nee Graf, Burgenland, Austria; Maria Graf, Johannesstrabe, Austria; and Hermine Graf, Herrliberg, Switzerland; Claim No. 44992; $54.94 in the Treasury of the United States. Rosa Bischoff nee Graf, Berta Heschl nee Graf, Maria Graf, and Hermine Graf are each entitled to one-fourth of the property.

Executed at Washington, D. C. on September 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10342; Filed, Sept. 22, 1952; 8:50 a. m.]